

601 + F9646001A

Photos

MAY 24 1996 '80

1. CASE NO. 960405CWE6001	2. INVESTIGATOR'S ID 8554	3. OFFICE CODE 860	EPIDEMIOLOGIC INVESTIGATION REPORT
4. DATE OF INCIDENT YR MO DAY 96 04 02	5. DATE INVESTIGATION INITIATED YR MO DAY 96 04 05		

6. SYNOPSIS OF INCIDENT A ten year old boy was struck in the head by a pellet from an air rifle fired by his friend. The friend and the victim's brother said that they checked the gun and did not think it was loaded. The victim died.

MFR/PRVLR NOTIFIED

No Comments made

Comments attached

Excisions/Revisions

Firm has not requested
further notice

7. LOCATION (Home, school, etc.) home 10	8. CITY Phoenix	9. STATE Arizona (AZ)
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10A. FIRST PRODUCT air rifle 1237	11A. TRADE/BRAND NAME, IMPORTER Power Line 990 Daisy Manufacturing, Rogers, Arkansas 72757
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10B. SECOND PRODUCT none 1936	11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS N/A
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12. AGE OF VICTIM 010	13. SEX (USE NUMERICAL CODE) MALE - 1 FEMALE - 2 1 UNKNOWN - 3	14. DISPOSITION fatality 8	15. INJURY DIAGNOSIS gun wound 63
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16. BODY PART head 75	17. RESPONDENT(S) (Mother, Friend) Victim's Father, Police & M.E. Personnel [3]	18. TYPE INVESTIGATION ON SITE - 1 TELEPHONE - 2 [3] OTHER - 3	19. TIME SPENT [[8]][5] --
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20. ATTACHMENTS multiple [9]	21. CASE SOURCE news paper story [0][5]	22. REVIEWED BY [[] [] []] YR MO DAY [[] [] []]
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23. PERMISSION TO DISCLOSE NAMES (NON-NEISS CASES ONLY) CPSC MAY DISCLOSE MY NAME <input checked="" type="checkbox"/> CPSC MAY NOT DISCLOSE MY NAME [x]
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24. NARRATIVE (See Instructions on Page 2)	25. REGIONAL OFFICE DIRECTOR REVIEW DATE
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NARRATIVE NOTE:

Information in this investigation report was obtained from the victim's father, Phoenix Police and Maricopa County Medical Examiner personnel.

The narrative report and exhibits are attached.

LAW OFFICES
OF
RICHARD REMENDER

SUITE 1400 - LUMER TOWER
45 WEST JEFFERSON, PHOENIX, ARIZONA 85003-2519
OFFICE (602) 257-8916 - FAX (602) 256-6613

TO: CONSUMER PRODUCT SAFETY COMMISSION
RE: PETER BRAUN DECEASED D/A: 4/2/96


RICHARD REMENDER is my attorney in connection with my claim for personal injuries sustained on the above date.

I hereby authorize all PHYSICIANS, HOSPITALS, MEDICAL PERSONNEL, VETERANS ADMINISTRATION, THE INDUSTRIAL COMMISSION OF THE STATE OF ARIZONA, THE STATE COMPENSATION FUND OF ARIZONA, LAW ENFORCEMENT AGENCIES, PRIVATE INSURANCE CARRIER, PAST AND/OR CURRENT EMPLOYERS any and all other applicable persons or organizations, together with their authorized agents or employees, to discuss with said attorney, or any member of his staff, specifically including, but not limited to, investigators, all matters relating to my history, care, treatment, and/or loss of earnings in connection with my injuries, or for any injury, illness, disease or condition from which I may have suffered at any time during my life.

I further consent to the disclosure to said attorney, or any member of his staff, by those persons and/or institutions forenamed, of any and all records, documents, reports, clinical abstracts, histories and charts of every kind and description relating to my condition, care, confinement, treatment and/or loss of earnings, as applicable, at any time, regardless of whether the same have any bearing on the aforementioned incident (including those which may contain confidential HIV/AIDS related information, confidential communicable disease-related information and/or information relating to mental health and/or alcohol/drug use); and I further consent to the inspection and/or copying of the same by said attorney, or any member of his staff, and the furnishing to them of photostatic or other copies of the same.

In furtherance of this authorization, I hereby waive all provisions of law and privilege relating to the disclosures hereby authorized. ALL OTHER AUTHORIZATION IS HEREBY CANCELED. A copy of this signed document shall have the same force and effect as the original.

DATED this 2 day of MAY, 1996.


Client

Parent or Guardian

Stallone *CC 5/24/96* **MAY 24 1996**

FIELD ACTIVITY COVERSHEET

1. REGION/STATE FOWR/PHX	2. OPERATION (Check One) <input type="checkbox"/> Inspection <input type="checkbox"/> Establishment Visit <input type="checkbox"/> Telephone Contact (XX) Investigation <input type="checkbox"/> Other []	3. DATE April 05, 1996 4. NUMBER (For RO Use) 960405CWE6001
5. ESTABLISHMENT Name <u>Daisy Manufacturing Company</u> Address <u>P.O. Box 220</u>] City <u>Rogers</u> State <u>Arkansas</u> Zip <u>72757</u> Telephone <u>501-636-1200</u>		
6. RELATED FIRM <input type="checkbox"/> Parent <input type="checkbox"/> Headquarters <input type="checkbox"/> Subsidiary <input type="checkbox"/> Other Name] City] State []		
7. PRODUCTS COVERED <u>Air Rifle (Daisy Power Line 990)</u> []	8. OTHER CONSUMER PRODUCTS []	
9. ESTABLISHMENT TYPE <input checked="" type="checkbox"/> Manufacturer <input type="checkbox"/> Importer <input type="checkbox"/> Wholesaler <input type="checkbox"/> Own Label Distributor <input type="checkbox"/> Retailer <input type="checkbox"/> Repackager <input type="checkbox"/> Other []	10. ANNUAL PRODUCTION Product Covered \$ Units [] Other Products \$ Units []	
11. I.S. BUSINESS % Received [] % Shipped []	12. SAMPLES COLLECTED None	13. MIS CODE 32626
14. HOURS Activity 8.5 Travel 30 min.		
15. REASON FOR ACTIVITY (Assignment Reference) ODI #960405CWE6001 was assigned as a f/u to a newspaper story #F96646001A.		
16. ANNOUNCED <input type="checkbox"/> Rationale for Announced Inspection UNANNOUNCED <input type="checkbox"/> N/A		
17. EMPLOYEE'S NAME Zannie E. Weaver	TITLE Invest.	SIGNATURE
18. (XX) ENDORSEMENT () REMARKS () SUMMARY () OTHER This IDI was a f/u to a newspaper article in which a ten year old male was killed by a pellet gun (rifle) fired by his 12 year old friend. The victim's 12 year old brother was also present during the incident. The friend thought the gun was empty and as a joke placed the gun to the head of the victim (aprox two feet) and fired. No additional follow-up at this time.		
19. REVIEWER'S NAME Keven J. Barton	TITLE Supervisor	SIGNATURE
20. REVIEW DATE <i>5/14/96</i>	21. DISTRIBUTION Orig: EIDS, cc: CCA, POWR. c/s: LDB, LGC	

UN-PURGED

IDI # 960405CWE6001

PRODUCT: air rifle (Power Line 990)

MANUFACTURER: Daisy Manufacturing Company
P. O. Box 220
Rogers, Arkansas 72757
phone # 501/ 636-1200

IDENTIFIERS:

Maricopa County Medical Examiner's Office - case # 96-00951
120 S. 6th Avenue
Phoenix, Arizona 85003
phone # 602/ 506-3322

Phoenix Police Department - case # 60534764
620 W. Washington
Phoenix, Arizona 85003
*Detective S - Mark Stribling (phone # 602/ 534-1770)
*Detective C - T. Cooning
Detective M - Robert Mills
Officer/Detective BG - B. Giesemann
Officer KS - Kenneth Shriner

Dr. H - Doctor Hill, St. Joseph's Hospital, Phoenix, Arizona

Victim/P - Peter Jonathan Braun
Victim's Brother M - Michael Christopher Braun
Victim's Father & Mother - Christopher Braun & Kariye
1416 W. Renee Drive (site of injury)
Phoenix, AZ 85027
home phone # 602/ 492-9938 & work # 233-6401 x 2294

Victim's Friend F - Michael Ryan Flemm
18613 N. 13th Drive
Phoenix, AZ 85027
home phone # 602/ 780-2973
father's name is David Joseph Flemm

Private Investigator for Victim's Attorney
Mr. AH - Mr. Arther Hanratty - phone # 602/ 256-2917

PRE-EVENT

This fatality involves an air rifle. Information in this report was obtained from the victim's father and local officials. I requested information from the family that owned the gun but they have not responded to my letter or telephone calls, see exhibit # 4. Any additional information received from them will be forwarded for inclusion with this report upon receipt.

The victim lived at home with his 12 year old brother and parents in Phoenix, Arizona. Local officials described the victim (P) as a 10 year old boy who was in the fourth grade. The Medical Examiner listed the victim's weight at 55 pounds and his height as 55 1/2 inches.

This incident took place during Thursday, April 4, 1996. The victim's father told me that his sons were at home because it was spring break.

The father told Police Officer BG that he left for work around 5:30 a.m. His wife left for work around 5:40 a.m. Their two boys (P & M) were still asleep when they left the house.

Both witnesses of this incident (brother M and friend F) were interviewed separately by Phoenix Police Detective S. Other officers spoke with these two witnesses.

The victim's father said that they did not have any guns or rifles of any type at their home. He would not allow them to own or use pellet/BB guns.

Brother M told Detective S that he got up that morning around 9 a.m. His parents had already left for work and his brother, the victim, was already up by that time.

Brother M said that he walked over to friend F's house around 11 a.m. Friend F was 12 years old and in the sixth grade.

About 20 minutes later his brother arrived. They played video games for about one hour.

The victim, his brother and friend F all went over to the victim's house around 12 noon. They decided to take two pellet air rifles and one BB pistol with them.

Friend F told Detective S that all three guns belonged his older brother who was 15 years old. His brother did not know that they took the guns.

The boys placed the three guns in a blue bathrobe and took them to the victim's house, see photo # 1.

Detective S told me that one of the air rifles can either be operated as an air pump type gun or you can use a CO2 cartridge. He said the victim was shot by this gun. Detectives were told by friend F that they did not have a CO2 cartridge in this rifle at the time of this incident.

The second air rifle had red paint on the barrel. This rifle was operated by a pump lever. It could not be operated with a CO2 cartridge.

Detective C described the victim's home as a single story residential structure located on the north side of the street. The front door faces south and is located just east of the carport area which encompasses the west end of the residence.

The living room area is located north of the front door, see photos 8 & 9. This is where the injury occurred.

All three boys shot the guns in the back yard of the victim's house. They fired the guns at "POGS" which were taped to the back fence and at birds.

After a while the boys went inside the house. Friend F said that they scrambled some eggs and watched television for a while.

At one point the victim went into the living room and decided to call his father at work. He was going to ask for permission to go over to the house of another friend.

Detective C reported that the living room has a three cushion tan colored sofa up against the east wall. A wall unit containing a television and stereo components is located against the west wall of the living room. A fire place, two table and a chair are near the north wall of the living room, see photos # 8 & 9.

While the victim was on the telephone his brother, M, picked up the pellet rifle which includes the CO2 feature. Brother M stated to Officer KS that he shook the gun and did not hear any ammunition inside.

He told Detective S that he pulled the lever back where you load the pellets and looked inside. He did not see a pellet and decided that the gun was unloaded. Brother M then gave the gun to friend F.

Friend F took the gun and said "Okay, I'm gonna scare your brother, watch." Friend F told Detective S that he thought the gun was out of ammunition and that it only had air in it.

Detective S said that the boys do not remember if the gun was pumped just before the fatal shot was fired or if it had been pumped earlier. In addition, they do not remember exactly how many times the gun was pumped. One estimate was that it may have been pumped as many as ten times.

Friend F took the gun, raised it to his shoulder and pointed it at the victim. He told Detective S that the barrel of the gun was about two or three feet away from the victim's head.

The victim was still on the telephone. He was sitting on the floor while brother M and friend F were seated on the sofa behind and to his right, see photo # 8. The victim turned his head just as friend F pulled the trigger on the air rifle.

EVENT

The air rifle discharged a pellet. This pellet entered the victim's head through his right ear.

POST-EVENT

Brother M told police that his brother fell. He then crawled from the living room into the family room. He collapsed in front of a second television which was located in the family room. He was unconscious. Blood was coming from the side of his head. Brother M grabbed the telephone and yelled at the lady on the other end to get his dad.

The father told me that while at work he received a telephone call from his son. The father answered the telephone and found his son M on the line. His son was hysterical. M told him that his other son, P, had fallen and hit his head. The father was later told by M that P was shot with a BB gun by their friend, F.

The father told his son M to call 9-1-1. The boy called and requested medical assistance. Paramedics and police were sent to the scene at about 1:45 p.m.

Brother M was very concerned about the presence of the guns in the house because their parents did not allow them to have access to guns. He had friend F grab the guns and remove them. F took the two air rifles and the BB pistol and wrapped them up in a blue bathrobe, see photo # 1. He then took them to his home.

Officer KS responded to the scene and found paramedics treating the victim in the family room where the two cushion sofa was located, see photos # 9 & 10.

Officer KS interviewed the victim's brother and their friend. At that time the two boys gave a false story. They suggested that the victim and his brother were wrestling when he threw him onto the couch. Paramedics indicated that this story did not fit the facts.

Detective C reported that there was a blood trail leading from the living room into the family room. A two cushion tan colored sofa facing south is located in the family room. They found a bloody white pillow on top of the two cushion sofa, see photo # 11.

Other officers arrived at the scene and the boys finally came forward with the facts. F told the officers that he shot the victim with an air rifle.

The victim was air lifted to St. Joseph's Hospital, Phoenix, Arizona. Officer BG was directed to the hospital where he spoke with the medical staff. The victim was still being treated in the emergency room at this time.

Dr. H pronounced the victim dead at 3:35 p.m. Dr. H told Officer BG that he believed the pellet entered from an angle just slightly behind the victim's right ear. This pellet traveled through the brain and stopped in the left temporal area.

A Medical Examiner with Maricopa County conducted an autopsy which Detective S attended. Detective S observed an entrance wound in the victim's right ear just above the opening to the auditory canal. He reported that x-rays showed a projectile in the left portion of the brain.

The Medical Examiner determined that the cause of death was a gunshot (pellet) wound to the head. Her pathologic diagnoses included:

- I. Penetrating gunshot wound of head.
 - A. Distant entrance wound of right external ear.
 - B. Track through right external ear skin and cartilage, right temporalis muscle, right temporal lobe, lodging in the left frontal lobe of brain.
 - C. Nondeformed, grey, small metal pellet recovered from the left anterior frontal lobe of brain.
 - D. Path of gunshot would: Right to left, slightly upward, slightly back to front.

A copy of the Medical Examiner's investigation and autopsy reports are attached as exhibit # 5.

Police officials collected the guns from the friend's home. Both Detective S and Detective M examined the two air rifles.

Detective S identified the gun involved in this death as the air rifle which could be operated as a pump air rifle or with a CO2 cartridge. He said that he examined this rifle and found it was impossible to tell if the gun was loaded. He loaded the gun with a pellet, pulled the bolt back and looked into the breach of the barrel. He could not see the pellet.

Detective M reported that he examined both rifles and loaded them. He then looked in the breech after the bolt had been put in battery then retracted. He said that the projectile was not viable. Once placed in battery, he found that the projectile could only be removed by firing the gun or by striking the butt on a hard surface several times or once with increased force, see exhibit # 7.

A copy of the Phoenix Police Original Report and Supplemental Reports are attached as exhibits # 6 & 7. While at the police station I examined their scene photographs. Copies of police photos showing the living room, the family room, the air rifles and the pistol are attached as exhibit # 8.

I've requested access to the air rifle involved in this incident. Detective S stated that it is currently at their laboratory for testing. He indicated that I could probably examine it after their testing is completed. I also requested a copy of their laboratory report. This information will be forwarded for inclusion with this report upon receipt.

During 4-25-96 I was informed by a private investigator, Mr. AH, that he has been hired by the victim's family attorney to investigate this death.

PRODUCT IDENTIFICATION

Police identified the air rifle involved in this fatality as a model # 990 from Daisy. The reference book Brands and Their Companies has a listing for Daisy as follows:

Daisy Manufacturing Company
P.O. Box 220
Rogers, Arkansas 72757
phone # 501/ 636-1200

This air rifle uses .177 caliber ammunition. Pellets can be fired from this air rifle using an air pump mode or a CO2 cartridge mode. Police photographs of this air rifle are attached, see photos # 2 - 5.

Labeling which appears on this air rifle includes the following:

WARNING: MISUSE OR CARELESS USE MAY CAUSE SERIOUS
INJURY OR DEATH FOR USE BY AGES 16 OR OLDER

DAISY

AD OPERATION MANUAL BEFORE USING POWER LINE 990

DAISY

POWER LINE 990
DUAL POWER

BEFORE INSTALLING
CO2 BOTTLE, SWITCH
TO CO2 MODE.

A second air rifle found at the scene was identified by Phoenix Police as a Daisy model 880, see photos # 6 & 7.

I made several unsuccessful attempts to speak with the family who owned the air rifle involved in this fatality. Therefore, I was unable to 1) obtain any information about their past experience with the gun, 2) find out where the gun was purchased 3) nor was I able to examine the owner's manual.

I contacted six local stores in an attempt to locate the same brand/model air rifle involved in this incident. Most of the stores carried air rifles but none had this particular model.

No other product information was available.

STANDARDS INFORMATION

No standards information was available.

CONTACTS:

PURPOSE & RESULTS:

Police Personnel

Obtained incident scenario
& product information.

Medical Examiner
Personnel

Obtained medical information.

Victim's Father

Confirmed incident scenario.

EXHIBITS:

1. CONTACT LETTER TO POLICE DEPARTMENT
2. CONTACT LETTER TO MEDICAL EXAMINER
3. CONTACT LETTER TO VICTIM'S FAMILY
4. CONTACT LETTER TO NEIGHBOR/FRIEND'S FAMILY
5. MEDICAL EXAMINER'S INVESTIGATION & AUTOPSY REPORTS
6. POLICE ORIGINAL REPORT
7. POLICE SUPPLEMENTAL REPORTS
8. POLICE PHOTOGRAPHS
9. ASSIGNMENT



760703CWE 6001
Exhibit # 1
United States Government
Consumer Product Safety Commission
522 N. Central Avenue, Room 207, Phoenix, Arizona 85004
Phone # 602/ 379-3510 Fax # 602/ 379-3518

April 5, 1996

Phoenix Police Department
Records Division
620 W. Washington
Phoenix, Arizona 85003

Dear Sir:

This is a written request for copies of your investigation reports, any lab reports and photographs covering the death of Peter Braun on April 2, 1996, in the 1400 block of West Renee Drive. We understand this death involved a pellet gun.

I believe your case number for this investigation is # 60534764 and that it was investigated by Detective Stribling. We are interested in obtaining as much information as possible about the sequence of events, the victim, and the pellet gun.

I understand your police lab is testing the functioning of this pellet gun and that their results will be available in about two weeks. We would appreciate a copy of this lab report in addition to copies of Police photographs which show the general area where this incident occurred as well as photographs which focus on the pellet gun.

As an agency of the Federal Government, the U.S. Consumer Product Safety Commission (CPSC) is responsible for investigating consumer product related injuries and deaths under Section 5, 16 and 29 of the Consumer Product Safety Act (Public Law 92-573; 15 U.S.C. 2054 and 3065). CPSC is also charged with enforcing federal safety regulations covering children's products, power tools, cribs, household appliances and other consumer products.

Information about CPSC is enclosed. Please call me if you have any questions. I can be reached in Phoenix at 602/ 379-3510.

Sincerely,

Zannie E. Weaver
Mr. Zannie E. Weaver
Federal Investigator

Enclosures



160405 CWE6001
Exhibit #2
United States Government
Consumer Product Safety Commission
522 N. Central Avenue, Room 207, Phoenix, Arizona 85004
Phone # 602/ 379-3510 Fax # 602/ 379-3518

April 5, 1996

Maricopa County Medical Examiner
Records Division
120 S. 6th Avenue
Phoenix, Arizona 85003

Dear Sir:

This is a written request for copies of your investigation records, any autopsy report and toxicology records covering the death of Peter Braun, in Phoenix, Arizona which occurred during April 2, 1996. I understand that this death involved a pellet gun/ air rifle.

I believe your case number for this death is 96-951. We are interested in obtaining as much information as possible about this death.

As an agency of the Federal Government, the U.S. Consumer Product Safety Commission (CPSC) is responsible for investigating consumer product related injuries and deaths under Section 5, 16, and 29 of the Consumer Product Safety Act (Public Law 92-573; 15 U.S.C. 2054 and 3065). This agency is also charged with enforcing federal safety regulations covering household appliances, children's products, power tools and other consumer products.

Information about CPSC is enclosed. Please call me if you have any questions. I can be reached in Phoenix at 602/ 379-3510.

Sincerely,

Zannie E. Weaver
Mr. Zannie E. Weaver
Federal Investigator

Enclosures



76040SCWE6001
Exhibit #3
United States Government
Consumer Product Safety Commission
522 N. Central Avenue, Room 207, Phoenix, Arizona 85004
Phone # 602/ 379-3510 Fax # 602/ 379-3518

April 22, 1996

Mr. Christopher Braun
1416 W. Renne Drive
Phoenix, Arizona 85027

Dear Mr. Braun:

As an agency of the Federal Government, the U.S. Consumer Product Safety Commission (CPSC) is responsible for investigating consumer product related injuries and deaths. These investigations help make us aware of hazards to children and adults and aids us in preventing similar incidents from occurring to other people.

We wish to obtain information about the tragic death of your son Peter, the sequence of events and the air rifle which was involved.

CPSC enforces the federal safety regulations covering consumer products such as household appliances, children's products, and power tools. We are continually investigating deaths and injuries in an attempt to examine hazards and notify the public of these dangers.

I'll call during the next few days. If you have any questions please feel free to contact me at our Phoenix office. I can be reached at 602/ 379-3510. Information about CPSC is enclosed.

Sincerely,

Zannie E. Weaver
Mr. Zannie E. Weaver
Federal Investigator

Enclosures



700405 CWE 6001
Exhibit #4
United States Government
Consumer Product Safety Commission
522 N. Central Avenue, Room 207, Phoenix, Arizona 85004
Phone # 602/ 379-3510 Fax # 602/ 379-3518

April 22, 1996

Mr. Flemm
18613 N. 13 th Drive
Phoenix, Arizona 85027

Dear Mr. Flemm:

As an agency of the Federal Government, the U.S. Consumer Product Safety Commission (CPSC) is responsible for investigating consumer product related injuries and deaths. These investigations help make us aware of hazards to children and adults and aids us in preventing similar incidents from occurring to other people.

We wish to obtain information about the tragic death of your neighbor (Peter Braun), the sequence of events and the air rifle which was involved. If you still have documentation on the air rifle such as an owner's manual or use instructions, I would appreciate your holding it so that I may obtain a copy.

CPSC enforces the federal safety regulations covering consumer products such as household appliances, children's products, and power tools. We are continually investigating deaths and injuries in an attempt to examine hazards and notify the public of these dangers.

I'll call during the next few days. If you have any questions please feel free to contact me at our Phoenix office. I can be reached at 602/ 379-3510. Information about CPSC is enclosed.

Sincerely,

Zannie E. Weaver
Mr. Zannie E. Weaver
Federal Investigator

Enclosures

MARICOPA COUNTY
OFFICE OF THE MEDICAL EXAMINER
NOT FOR DUPLICATION

MARICOPA COUNTY OFFICE OF THE MEDICAL EXAMINER
120 South Sixth Avenue
Phoenix, Arizona 85003
(602) 506-3322
960405CWE 6001
CASE # 96-00951
Exhibit # 5

REPORT OF INVESTIGATION BY MEDICAL EXAMINER

NAME: PETER JONATHAN BRAUN Age: 10 D.O.B.: 10/29/85 Sex: M

Race: C Marital Status: S SSN:

Address: 1416 W. RENEE DRIVE City: PHOENIX State: AZ

TYPE OF DEATH: VIOLENT MEANS: FIREARMS

NOTIFICATION By: GIESEMANN #5248 Agency: PHOENIX P.D. DR Number: 60-534764

Address	Town/City	Type of Premises	Date	Time
Injured at: 1416 W. RENEE DRIVE	PHOENIX	RESIDENCE	04/02/96	13:45
Death Pronounced: ST. JOSEPH'S	PHOENIX	HOSPITAL	04/02/96	15:35

Examination at the Maricopa County Office of the Medical Examiner by: JAB Date: 04/03/96 Time: 10:00

Description of Body
(External Physical Examination)

Rigor (Regional/Complete/Absent): FIXED
Livor (Color/Distribution): PURPLE POSTERIOR FIXED
Clothed: No
Teeth: NATURAL
Hair Color: BLONDE, 2.5 INCHES
Beard: Moustache:
Eyes: (DONOR)
Pupils:
Length: 53-1/2 INCHES
Weight: 55 POUNDS

SIGNIFICANT FINDINGS

PHOENIX P.D. SEAL #739425
SEE AUTOPSY REPORT
TOXICOLOGY HELD

Pursuant to section 11-594 Arizona Revised Statutes I hereby certify that I took charge of the body described herein and that after making inquiries into the cause and manner of death and examination of the body it is my opinion that death occurred due to the cause(s) and in the manner stated.

Cause Of Death: GUNSHOT WOUND TO HEAD

Autopsy (Y/N): Yes

Manner Of Death: HOMICIDE

Toxicology (Y/N): Yes, Held


JULIE A. BROWN, M.D., MEDICAL EXAMINER

DMB:4/11/96

O.M.E. CASE NUMBER #: 96-00951

SPECIAL STUDIES:

Additional Photographs (Y/N) YES

if YES, by Whom PHOENIX P.D.

X-rays (Y/N) YES

Evidence Released (Y/N) YES

if YES, to Which Agency PHOENIX P.D.

Narrative Summary of Circumstances Surrounding Death: (Include Scene description and/or diagram where appropriate).

THIS 10-YEAR-OLD WHITE MALE WAS REPORTEDLY SHOT IN THE RIGHT EAR BY A PELLET RIFLE BY A 12-YEAR-OLD FRIEND. THE PELLET ENTERED THE TEMPORAL AREA. THE CIRCUMSTANCES OF THE SHOOTING ARE UNDER INVESTIGATION.

960405CWE6001

MARICOPA COUNTY
OFFICE OF THE MEDICAL EXAMINER
120 S. 6th Avenue
Phoenix, Arizona 85003

REPORT OF AUTOPSY

DECEDENT: Peter Jonathan Braun
ADDRESS: 10-year-old Caucasian male
TYPE OF DEATH: Violent
MEANS: Firearms
PERSONS PRESENT AT AUTOPSY:
Forensic Assistants: Phipps, Terharr, Kral
Phoenix PD: Det Stribling #3565 ID Tech. Davis #A348

CASE: 96-0951
DATE: April 3, 1996
TIME: 10:00 Hours

PATHOLOGIC DIAGNOSES

- I. Penetrating gunshot wound of head.
 - A. Distant entrance wound of right external ear.
 - B. Track through right external ear skin and cartilage, right temporalis muscle, right temporal bone, right temporal lobe, lodging in the left frontal lobe of brain.
 - C. Nondeformed, grey, small metal pellet recovered from the left anterior frontal lobe of brain.
 - D. Path of gunshot wound: Right to left, slightly upward, slightly back to front.

CAUSE OF DEATH: Gunshot wound to head
MANNER: Homicide


JULIE A. BROWN, M.D.
MEDICAL EXAMINER


PHILIP E. KEEN, M.D.
MEDICAL EXAMINER

BY:glc
DT: 4/4/96

CIRCUMSTANCES OF DEATH

This is a 10-year-old Caucasian male reportedly shot in the ear by a pellet rifle. The rest of the circumstances of the shooting are under investigation.

An autopsy is performed at the Maricopa County Office of the Medical Examiner, Phoenix, Arizona on the 3rd day of April, 1996.

CLOTHING

The body bag is sealed with seal #739425. The body is received unclad.

EXTERNAL EXAMINATION

The body is that of a well developed, well nourished Caucasian male child who weighs 55 pounds, is 53-1/2 inches in height and appears compatible with the stated age of 10 years. The unembalmed body is cool to touch. Rigor mortis is fully fixed in all extremities and the jaw. Fixed purple livor mortis extends over the posterior surfaces of the body, except in areas exposed to pressure. The scalp hair is blonde and measures to 2-1/2 inches in length over the crown. The eyes have been donated. The nose and ears are not unusual. The natural teeth are in good repair. The neck is unremarkable. The thorax is well developed and symmetrical. The abdomen is flat. The anus and back are unremarkable. The genitalia are those of a normal male child. The penis is circumcised. The testes are bilaterally descended within the scrotum. The upper and lower extremities bilaterally are well developed and symmetrical, without absence of digits. Identifying marks and scars include scattered freckles over the nose and cheeks ranging 1/16 to 1/8 inch in greatest dimension. There is a 1 inch white scar on the posterior right forearm. There is a white scar of the right lateral knee, 1/4 by 1/8 inch.

MEDICAL INTERVENTION

Evidence of medical intervention includes an endotracheal tube present in the mouth. There is an orogastric tube present within the mouth. There is a temperature monitor located on the forehead. There is an IV line present in the right lateral neck. There are two puncture marks in the right antecubital fossae. There is an arterial line in the right radial artery. There is a Foley catheter in place in the urethra. There is an IV present in the left antecubital fossa. There is an IV present in the left posterior hand. The patient has been a full organ donor and has a 16 inch fresh sutured donor incision down the midline of the trunk.

EVIDENCE OF INJURY**HEAD AND NECK:**

There is a single entrance gunshot wound to the right external ear. The entry wound has a graze wound posterior to the entry

HEAD AND NECK (Continuation)

itself. The graze is a red abrasion $1/2$ by $1/8$ inch. The entry wound is $1/16$ by $1/16$ inch. It shows no soot, no tattooing, no abrasion ring. The entrance wound is located $5-7/16$ inches right of the anterior midline, $4-1/2$ inches from the top of the head, $48-1/2$ inches from the heels and 25 inches from the gluteal fold. There is a green-blue contusion located just anterior to the right ear in the right temple area that is 2 by 2 inches.

The projectile has caused massive hemorrhage within the right temporalis muscle. There is a single bony entrance wound to the right temporal bone that is $1/4$ by $3/16$ inches. There are no other fractures to the skull. The projectile enters the right temporal lobe of the brain, crosses the midline, and is recovered from the left frontal lobe of the brain. It is a distant gunshot wound. The projectile is recovered at 10:55 from the left anterior frontal lobe of the brain. It is a nondeformed, small grey metal pellet.

In addition to the gunshot wound to the head there is a tan contusion of the right mid neck, $1-1/2$ by $3/4$ inches.

THORAX AND ABDOMEN:

No evidence of injury.

UPPER EXTREMITIES:

There is a tan contusion of the left lateral upper arm, $1/4$ by $1/4$ inch. There is a triangular blue contusion on the left anterior upper arm, $3/4$ by $3/4$ inches. There is a tan contusion on the left lateral forearm $1/2$ by $1/2$ inch.

LOWER EXTREMITIES:

There is a purple contusion of the right medial calf, 1 by 1 inch. There is a pale purple contusion of the left medial ankle, $7/16$ by $3/8$ inch. There is a $1/2$ by $1/4$ inch blue contusion of the left lateral ankle. There is a dark green contusion of the lower lateral left shin, $1/8$ by $3/16$ inch. There is a dark green contusion of the left lower lateral shin $3/8$ by $1/8$ inch. There is a mid left shin tan contusion, 1 by $7/8$ inch. There is a left medial calf tan contusion, $5/8$ by $3/8$ inch. There is a left medial upper chin purple contusion, $1/2$ by $1/2$ inch. There is a purple contusion of the lower left medial knee, $1/8$ by $3/8$ inch. There is a medial left knee purple contusion, $3/4$ by $3/4$ inch.

INTERNAL EXAMINATION**BODY CAVITIES**

The donor incision is enlarged by adding a Y-shaped chest incision. The internal trunk organs are missing except for a fragment of spleen, a fragment of adrenal gland and an intact stomach. No gross abnormalities are noted to any of these

BODY CAVITIES (Continuation)

organs. The stomach contains 140 ml. of thick green semisolid material. The neck organs have been left intact. The subcutaneous fat layers of the abdominal wall is 1 cm. thick.

HEAD (CENTRAL NERVOUS SYSTEM)

The head is opened in the usual manner revealing subscapular hemorrhage in the area of the gunshot wound and massive right temporalis muscle hemorrhage. The skull is opened revealing a right subdural hematoma and a generalized subarachnoid hemorrhage. The brain weighs 1420 grams. The dura mater and falx cerebri are not intact. The leptomeninges are thin and delicate. The cerebral hemispheres are edematous but symmetrical. The structures at the base of the brain, including cranial nerves and blood vessels, are intact and free of abnormality. Sections through the cerebral hemispheres reveal maceration and hemorrhage in the path of the projectile. There is a bilateral intraventricular hemorrhage. Sections through the brain stem and cerebellum are unremarkable. The spinal cord is not examined.

NECK

Examination of the soft tissues of the neck, including strap muscles and large vessels, reveals no abnormalities. The hyoid bone and larynx are intact. The tongue is normal.

EVIDENCE

The following items are collected and preserved:

- the previously described projectile is collected from the left anterior frontal lobe of the brain at 10:55

TOXICOLOGY

A subdural clot is collected at autopsy. Blood and vitreous fluid are collected by the Arizona Donor Network at the time of organ donation.

HISTOLOGY

Representative sections are taken for storage and microscopic examination.

MICROSCOPIC DESCRIPTION

Brain: Sections of non-traumatized brain show subarachnoid hemorrhage and are otherwise unremarkable.

PHOTOGRAPHS

An identification photograph is taken. Extensive photographs are taken by the Phoenix Police Department.

X-RAYS

X-rays are taken revealing a single projectile in the left portion of the head.

OPINION

In my opinion, Peter Jonathan Braun died as a result of a single gunshot wound to the head.

The manner of death is Homicide.

JAB:glc

DT: 4/4/96

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Exhibit 6

REPORT DATE: 19960403 TIME: 0846

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

PROSECUTION DESIRED: YES

BOOKING VICTIM NOTIFIED: NO

LOCATION: 001416 W RENEE DR

DATE/TIME OF OCCURRENCE: TUE 0406 1996

REPORTING OFFICER[S]: MARK STRIBLING

PREMISES: SINGLE FAMILY HOUSE

PHOTOGRAPHS TAKEN: YES BY: A3160

SCENE PROCESSED FOR LATENTS: NO BY:

PUBLIC RECORDS

Released Pursuant To

ARS 39-121, et. seq.

PART 0934 GRID: DJ26

3565 UNIT: C34

To:

OCCUPIED:

*** SUSPECT INFORMATION ***

INVESTIGATIVE LEAD-01:

NAME: BRAUN, MICHAEL CHRISTOPHER

RACE: W SEX: M AGE: 12 DOB: 012684 HT: 000 WT: 000
HOME: 001416 W RENNE DR APT/SUITE:
PHOENIX AZ ZIP CODE: 85027
RES.NAME [] PHONE: 602 492 9938
WORK: 019825 N 15TH AV APT/SUITE:
BUS.NAME [DESERT WINDS GRADE SCHOOL] PH: EXT.
OCCUPATION: STUDENT 6TH GRADE
LEVEL OF FORCE :/UNKNOWN USED FORCE CODE

CLOTHING DESC & MISC:

*VICTIM'S BROTHER. CHECKED PELLET RIFLE AND BELIEVED IT WAS UNLOADED

INDEX SUSPECT-01:

NAME: FLEMM, MICHAEL RYAN

RACE: W SEX: M AGE: 12 DOB: 100283 HT: 502 WT: 090
HAIR: BLN EYES: HAZ SSN:
DLN: R&I: SCN 940628054
HOME: 018613 N 13TH DR APT/SUITE:
PHOENIX AZ ZIP CODE: 85027
RES.NAME [] PHONE: 602 780 2673
WORK: 019825 N 15TH AV APT/SUITE:
BUS.NAME [DESERT WIND GRADE SCHOOL] PH: EXT.
OCCUPATION: STUDENT 6TH GRADE
LEVEL OF FORCE :/UNKNOWN USED FORCE CODE

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CLOTHING DESC & MISC:

BLUE GREEN T-SHIRT. BLUE JEAN SHORTS

*SHOT VICTIM IN THE HEAD WITH A PELLET RIFLE. BELIEVED RIFLE WAS UNLOADED.

**** VICTIM INFORMATION ****

VICTIM -01:

NAME: BRAUN, PETER JONATHAN [**DECEASED**]

RACE: W SEX: M AGE: 10 DOB: 102985 HT: 000 WT: 000

CLOTHING DESC & MISC:

*SHOT ON THE RIGHT SIDE OF THE HEAD WITH A PELLET RIFLE

HOME: 001416 W RENNE DR APT/SUITE:
PHOENIX AZ ZIP CODE: 85027

RES.NAME [] PHONE: 602 492 9938

WORK: 019825 N 15TH AV APT/SUITE:

BUS.NAME [DESERT WINDS GRADE SCHOOL] PH: EXT.

OCCUPATION: STUDENT/4TH GRADE

**** V 01 - INJURY INFORMATION ****

INJURY: FATAL WOUND TO RIGHT SIDE OF HEAD. WOUND CAUSED BY A
RIFLE PELLET GUN. PELLET ENTERED THROUGH THE RIGHT EAR.

PARAMEDIC TREATMENT: YES UNIT[S]: LAD41 EP41 C-SH1

NAMES: ANDERSON**DPS RANGER FLIGHT CREW:PERKINS/CLARK/PISANO

TRANSPORTED BY: DPS RANGER 41

TAKEN TO: ST. JOSEPH'S HOSPITAL

DOCTOR'S NAME: JEFF HILL, D. STANNARD

**** WITNESS INFORMATION ****

WITNESS -01:

NAME: LEDUNE, DEBBIE

RACE: W SEX: F AGE: 37 DOB: 011559 HT: 000 WT: 000

CLOTHING DESC & MISC:

*HEARD ARGUMENT AT 1416 W. RENNE DR.

HOME: 001415 W RENNE DR APT/SUITE:
PHOENIX AZ ZIP CODE: 85027

RES.NAME [] PHONE: 602 581 9618

**** NEXT OF KIN INFORMATION ****

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Continued.

PHOENIX POLICE DEPARTMENT REPORT

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NEXT OF KIN -01:

NAME: BRAUN, CHRISTOPHER

RACE: W SEX: M AGE: DOB: 011264 HT: 000 WT: 000
HAIR: EYES: SSN: 092649859

CLOTHING DESC & MISC:

*VICTIM'S FATHER. AT HOSPITAL WITH VICTIM.

HOME: 001416 W RENEE DR APT/SUITE:
PHOENIX AZ ZIP CODE: 85027
RES.NAME [] PHONE: 602 492 9938
WORK: 000946 S 25TH AV APT/SUITE:
PHOENIX AZ ZIP CODE:
BUS.NAME [MOTOR CARGO FREIGHT LINES] PH: 602 278 2806 EXT.
OCCUPATION: DISPATCHER

NEXT OF KIN -02:

NAME: BRAUN, KARYLE

RACE: W SEX: F AGE: DOB: 010160 HT: 000 WT: 000

CLOTHING DESC & MISC:

*VICTIM'S MOTHER. AT HOSPITAL WITH VICTIM.

HOME: 001416 W RENEE DR APT/SUITE:
PHOENIX AZ ZIP CODE: 85027
RES.NAME [] PHONE: 602 492 9938
WORK: 001910 W MOUNTAIN VIEW ROAD APT/SUITE:
PHOENIX AZ ZIP CODE:
BUS.NAME [SHAMROCK FOODS] PH: 602 233 6401 EXT.2294

**** REPORTING PERSON INFORMATION ****

REPORTING PERSON -01:

NAME: FLEMM, DAVID JOSEPH

RACE: W SEX: M AGE: 15 DOB: 040481 HT: 000 WT: 000

CLOTHING DESC & MISC:

*SUSPECT'S BROTHER. OWNS THE THREE PELLET/BB GUNS

HOME: 018613 N 13TH DR APT/SUITE:
PHOENIX AZ ZIP CODE: 85027
RES.NAME [] PHONE: 602 780 2673
BUS.NAME [BARRY GOLDWATER HIGH SCHOOL] PH: EXT.
OCCUPATION: STUDENT

REPORTING PERSON -02:

NAME: FLEMM, DAVID

RACE: W SEX: M AGE: DOB: 061656 HT: 000 WT: 000
HAIR: EYES: SSN: 177463214

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Continued.

PHOENIX POLICE DEPARTMENT REPORT

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CLOTHING DESC & MISC:

*SUSPECT'S FATHER. PRESENT DURING INTERVIEW OF SUSPECT MIKE FLEMMING
HOME: 018613 N 13TH DR APT/SUITE:
PHOENIX AZ ZIP CODE: 85027
WORK: 003024 W WELDON APT/SUITE:
PHOENIX AZ ZIP CODE:
BUS.NAME [DESIGNER'S CHOICE] PH: 602 878 7900 EXT.310
WORK HOURS: 0800 - 1700 DAYS OFF: SAT/SUN

**** NARRATIVE ****

SERIAL NUMBER: 3565

INVESTIGATIVE PERSONNEL:

HOMICIDE UNIT

=====

SERGEANT A. ALDREDGE #3244
HOMICIDE SUPERVISOR

DETECTIVE M. STRIBLING #3565
CASE AGENT
INTERVIEWED MICHAEL BRAUN
MICHAEL FLEMM

DETECTIVE T. COONING #3338
CRIME SCENE INVESTIGATOR

DETECTIVE R. MILLS #2781
AUTHORED SEARCH WARRANT FOR SUSPECT'S RESIDENCE
SEARCH WARRANT FINDER

ASSAULT UNIT

=====

SERGEANT J. MILLWARD #2991
SUPERVISOR AT SCENE

DETECTIVE M. DAILY #3710
INTERVIEWED MICHAEL BRAUN
DEBBIE LE DUNE

DETECTIVE B. GIESEMANN #5248
HOSPITAL FOLLOW UP ON VICTIM
SPOKE WITH VICTIM'S PARENTS
COMPLETED MEDICAL EXAMINER'S TAG

PATROL OFFICERS

=====

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Continued.

PHOENIX POLICE DEPARTMENT REPORT

760401 CW 5 6001

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SERGEANT W. RICE
SUPERVISOR ON SCENE

OFFICER D. ESPERIN #2849
FIRST OFFICER AT SCENE

OFFICER K. SHRINER #3276
SECOND OFFICER AT SCENE

OFFICER J. RYAN #2084
SECURED SCENE
INTERVIEWED MICHAEL FLEMM
AUTHORED SUPPLEMENT

NEXT OF KIN: CHRISTOPHER AND KARYLE BRAUN
1416 WEST RENEE DRIVE 492-9938
VICTIM'S PARENTS. AT HOSPITAL WITH VICTIM

MORTUARY: PHOENIX MEMORIAL
200 WEST BEARDSLEY 434-7007

INJURY TO
VICTIM: WOUND TO RIGHT SIDE OF HEAD. CAUSED BY A PUMP TYPE PELLET
RIFLE.

COUNTY
ATTORNEY: LEONARD RUIZ
MAJOR FELONY BUREAU 506-5780

SUSPECT READ JUVENILE MIRANDA WARNINGS BY OFFICER SHRINER #3276 AT 3:00
P.M. STATED "YES" TO UNDERSTANDING ALL RIGHTS.

THE WARNINGS WERE READ AGAIN BY DETECTIVE STRIBLING #3565 AT 5:59 P.M.,
WITH SUSPECT'S FATHER PRESENT. STATED "YES" TO UNDERSTANDING ALL RIGHTS.

=====

ON 4-2-96 AT APPROXIMATELY 1345 HOURS, WHILE INSIDE THE RESIDENCE AT 1416
WEST RENEE DRIVE, SUSPECT MICHAEL FLEMM SHOT VICTIM PETER BRAUN IN THE
RIGHT SIDE OF THE HEAD WITH A DAISY PUMP TYPE PELLET RIFLE, CAUSING THE
VICTIM'S DEATH.

ON 4-2-96 AT 3:40 P.M., HOMICIDE SERGEANT ALDREDGE INSTRUCTED ME TO
RESPOND TO 1416 WEST RENEE DRIVE IN REFERENCE TO A HOMICIDE INVESTIGATION.
I PROCEEDED TO THIS LOCATION, ARRIVING AT 4:25 P.M. I OBSERVED THERE WERE
SEVERAL UNIFORMED PATROL OFFICERS AND SEVERAL ASSAULT DETAIL DETECTIVES
ALREADY AT THIS SCENE. A SHORT TIME AFTER MY ARRIVAL I TOOK PART IN A
BRIEFING THAT WAS CONDUCTED BY SERGEANT J. MILLWARD.

DURING THIS BRIEFING THE GATHERED INVESTIGATIVE PERSONNEL WERE GIVEN THE

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Continued.

PHOENIX POLICE DEPARTMENT REPORT

7-10-96 1026 GIB A2955/MARGE

ORIGINAL

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KNOWN INFORMATION UP TO THAT POINT IN TIME. THIS INFORMATION INCLUDED THE NAME OF THE VICTIM WHO HAD BEEN IDENTIFIED AS PETER BRAUN, W/M, 10-29-85. SERGEANT MILLWARD TOLD US PETER HAD BEEN SHOT IN THE AREA AROUND HIS RIGHT EAR WITH A PELLET RIFLE. THE PELLET APPARENTLY PENETRATED PETER'S BRAIN, HE WAS CURRENTLY AT ST. JOSEPH'S HOSPITAL AND HAD BEEN PRONOUNCED DEAD. ACCORDING TO THE VICTIM'S BROTHER, MICHAEL BRAUN, PETER WAS ON THE PHONE WITH THEIR DAD. MICHAEL BRAUN HAD THE PELLET RIFLE AND LOOKED INTO IT AND BELIEVED THE GUN WAS NOT LOADED. HE THEN HANDED THE RIFLE TO A FRIEND NAMED MICHAEL FLEMM. FLEMM POINTED THE RIFLE AT THE VICTIM AND PULLED THE TRIGGER. THE RIFLE DISCHARGED, STRIKING PETER IN THE AREA AROUND HIS RIGHT EAR. PARAMEDICS RESPONDED TO THE SCENE AND TREATED THE VICTIM, WHO WAS THEN AIR LIFTED TO ST. JOSEPH'S HOSPITAL BY D.P.S. RANGER #1. SERGEANT MILLWARD CONCLUDED THE BRIEFING BY STATING THE THREE PELLET GUNS THE BOYS WERE PLAYING WITH WERE NOW INSIDE MICHAEL FLEMM'S RESIDENCE AT 18613 NORTH 13TH DRIVE.

AT THE CONCLUSION OF THE BRIEFING SERGEANT ALDREDGE ASSIGNED ME AS THE CASE AGENT IN THIS INVESTIGATION. DETECTIVE COONING WAS GIVEN THE RESPONSIBILITY OF PROCESSING THE CRIME SCENE, AND DETECTIVE MILLS WOULD AUTHOR THE SEARCH WARRANT FOR THE RESIDENCE AT 18613 NORTH 13TH DRIVE.

I THEN BEGAN TO COORDINATE THIS INVESTIGATION USING INFORMATION I HAD OBTAINED FROM VARIOUS SOURCES. I STARTED BY VIEWING THE CRIME SCENE ALONG WITH DETECTIVE COONING. I NEXT INTERVIEWED THE VICTIM'S BROTHER, MICHAEL BRAUN, AND SUBSEQUENTLY INTERVIEWED THE SUSPECT, MICHAEL FLEMM. I HAVE DOCUMENTED THESE AND OTHER INTERVIEWS ON SEPARATE SUPPLEMENTS WITHIN THIS REPORT. PLEASE REFER TO THESE INTERVIEWS FOR DETAILS.

THIS INVESTIGATION IS CONTINUING.

4-5-96 1026 GIB A2955/MARGE

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT: NO

INVOICES:

END OF REPORT

DR NO: 60534764

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 1

REPORT DATE: 19960402 TIME: 1348

TYPE OF REPORT: HOMICIDE

PROSECUTION DESIRED: YES

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

DATE/TIME OF OCCURRENCE: TUE 040296 1345

REPORTING OFFICER(S): JAMES RYAN

2084 UNIT: 93A

PREMISES: SINGLE FAMILY HOUSE

OCCUPIED: YES

PHOTOGRAPHS TAKEN: NO BY:

SCENE PROCESSED FOR LATENTS: NO BY:

LATENTS SUBMITTED TO CRIME LAB: NO

**** VICTIM INFORMATION ****

VICTIM -01:

NAME: BRAUN, PETER CHRISTOPHER

RACE: W SEX: M AGE: DOB: 102985 HT: 000 WT: 000
HOME: 001416 W RENEE APT/SUITE:
PHOENIX AZ ZIP CODE:
RES. NAME [] PHONE: 602 492 9938

**** NARRATIVE ****

SERIAL NUMBER: 2084

P1: BRAUN, CHRISTOPHER ROBERT (FATHER OF VICTIM)
WHITE MALE 011264
1416 WEST RENEE 492-9938

W1: BRAUN, MICHAEL CHRISTOPHER (BROTHER OF VICTIM)
WHITE MALE 012684
1416 WEST RENEE 492-9938

SP1: FLEMM, MICHAEL RYAN
WHITE MALE 120283
18613 NORTH 13TH DRIVE

W2: LEDUNE, DEBBIE J.
1415 WEST RENEE 581-9618

AT 1348 HOURS I RESPONDED TO EMERGENCY TRAFFIC OF AN INJURED PERSON AT 1416 WEST RENEE. ON ARRIVAL AT 1356 HOURS I FOUND THAT OFFICERS ESPERUM (T420) AND SHRINER (932P) WERE ALREADY AT THE SCENE, AS WAS LADDER 41 AND

960405CWE 6001
Exhibit # 7
OFFENSE: 451

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SUPPLEMENT

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STARTED WATCHING TELEVISION AND HIS BROTHER, THE VICTIM, PETER, WAS IN THE PROCESS OF CALLING HIS FATHER, P1 CHRISTOPHER, ON THE TELEPHONE WHEN HE WAS SHOT BY SUSPECT FLEMM. MICHAEL TOLD ME THAT HE CHECKED THE GUN LESS THAN A MINUTE BEFORE THE SHOOTING BY PULLING BACK THE BOLT AND CHECKING TO INSURE THAT THERE WAS NO BB OR PELLET IN THE CHAMBER. THE SUSPECT FLEMM THEN INSISTED ON GETTING THE GUN BACK. W1 BRAUN DOES NOT REMEMBER SEEING FLEMM LOAD A .177 CALIBER PELLET INTO THE WEAPON, BUT HE DID SEE FLEMM RAISE THE WEAPON UP TO THE VICTIM'S HEAD AND FROM ONLY A FEW INCHES AWAY, FIRE THE LETHAL SHOT.

THE WITNESS MICHAEL BRAUN DID NOT THINK HIS BROTHER WAS SERIOUSLY INJURED AND HE KNEW THAT THEY WOULD ALL GET IN TROUBLE IF IT WAS FOUND OUT THAT THEY WERE SHOOTING THESE GUNS; THAT WAS THE REASON FOR THE ORIGINAL LIE AND COVER UP. W1 BRAUN WAS UNAWARE OF HOW SERIOUSLY HIS BROTHER WAS INJURED.

I WAS THEN DESIGNATED BY SERGEANT RICE, WHO RESPONDED TO THE SCENE, TO MAINTAIN A LOG OF WHO ENTERED THE RESIDENCE. I MAINTAINED THAT LOG UNTIL WE SECURED FROM THE SCENE AT 1850 HOURS WHEN THAT LOG WAS TURNED OVER TO DETECTIVE COONING #3338 (C340).

IT SHOULD BE NOTED THAT DURING THE INITIAL ENTRIES INTO THE LOG, THE ARRIVAL TIMES OF THE FIRST UNITS WERE ESTIMATED UNTIL I ARRIVED AT 1356 HOURS. THE ACTUAL ARRIVAL TIME FOR OFFICER ESPERUM (T420) SHOULD BE 1349 HOURS. THE ORIGINAL ARRIVAL TIME FOR OFFICER SHRINER (932P) SHOULD BE 1352 HOURS. THE FIRST FIRE UNIT, LADDER 41, ALSO ARRIVED AT 1352 HOURS.

WHILE THE SCENE WAS VERY CHAOTIC WITH THE COMING AND GOING OF PARAMEDICS, FIRE RESCUE UNITS AND HELICOPTER RANGER 41, ALONG WITH OFFICERS AND SUPERVISORS, A SHORT CONVERSATION WAS HAD WITH A NEIGHBOR, W2 DEBBIE J. LEDUNE. MS. LEDUNE TOLD ME THAT SHE HAD HEARD AN ARGUMENT COMING FROM THE HOUSE AT 1416 WEST RENEE SHORTLY PRIOR TO ALL THE COMMOTION. MS. LEDUNE SAID THE BOYS WERE ARGUING BECAUSE ONE WOULD NOT LET ANOTHER ONE INTO SOME ROOM IN THE HOUSE. JUST A COUPLE OF MINUTES AFTER THAT SHE OBSERVED THE SUSPECT FLEMM, WHO SHE KNOWS BY SIGHT, LEAVING THE HOUSE CARRYING SOMETHING WRAPPED IN A BLANKET. SHE SAID THAT FLEMM RAN DOWN TO HIS HOUSE ON THE CORNER WITH THIS ITEM AND THEN RETURNED TO THE BRAUN RESIDENCE. IT WAS LATER DETERMINED BY TALKING TO W1 MICHAEL BRAUN THAT THESE WERE THE GUNS THAT FLEMM HAD BROUGHT TO THE HOUSE EARLIER. THIS INFORMATION WAS PROVIDED TO RESPONDING DETECTIVES WHO TOOK THE APPROPRIATE STEPS IN FOLLOW UP INVESTIGATION AND INTERVIEW OF THIS WITNESS.

PASS/A2229/2084/040296/2036

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT: NO

INVOICES:

END OF REPORT

DR NO: 60534764 01

PHOENIX POLICE DEPARTMENT REPORT

960405CWE 6001

SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 2

REPORT DATE: 19960403 TIME: 1028

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): MARK DAILY

3710 UNIT: C72

**** WITNESS INFORMATION ****

WITNESS -01:

NAME: BRAUN, MICHAEL CHRISTOPHER

RACE: W SEX: M AGE: 12 DOB: 012684 HT: 000 WT: 000

CLOTHING DESC & MISC:

(VICTIM'S BROTHER)

HOME: 001416 W RENEE

APT/SUITE:

PHOENIX AZ

ZIP CODE:

RES.NAME [

] PHONE: 602 492 9938

WITNESS -02:

NAME: LEDUNE, DEBBIE

RACE: W SEX: F AGE: 37 DOB: 011559 HT: 000 WT: 000

CLOTHING DESC & MISC:

(HEARD YELLING ACROSS STREET, SPOKE TO SUSPECT AFTER SHOOTING)

HOME: 001415 W RENEE

APT/SUITE:

PHOENIX AZ

ZIP CODE:

RES.NAME [

] PHONE: 602 581 9618

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000000

DATE: 000000

SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI W 01

ITEM: KATAPE BRAND: BASF MODEL: COLOR:

SIZE: QUANTITY: 0001 SERIAL NO.:

DESCRIPTION: CASSETTE TAPE RECORDING OF INTERVIEW WITH

MICHAEL BRAUN.

IMPOUNDED AT 620 W. WASHINGTON BY DET. DAILY #3710

**** NARRATIVE ****

SERIAL NUMBER: 3710

ON 4-2-96 SGT. MILLWARD REQUESTED I RESPOND TO 1416 W. RENEE IN RESPONSE TO A SHOOTING. UPON ARRIVAL WE WERE BRIEFED BY SGT. BILL RICE, THE PATROL SUPERVISOR ON THE SCENE. SGT. RICE INFORMED US THE VICTIM HAD BEEN SHOOTING AIR GUNS WITH HIS BROTHER AND THE SUSPECT, MIKE FLEMM. THE 3

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Continued.

SUPPLEMENT

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DR NO.: 60534764 2

THEN CAME IN THE HOUSE SO PETER COULD USE THE PHONE AND FLEMM SHOT HIM IN THE HEAD, APPARENTLY BELIEVING THE GUN WAS UNLOADED. SGT. MILLWARD REQUESTED I INTERVIEW MIKE BRAUN, WHO WAS INSIDE THE HOUSE WITH OFFICER RYAN.

I CONTACTED MIKE WHO WAS SEATED AT THE KITCHEN TABLE AND ASKED HIM TO TELL ME WHAT HAPPENED. MIKE EXPLAINED THAT ABOUT AN HOUR BEFORE THE SHOOTING, MIKE FLEMM CAME OVER WITH 2 PELLET RIFLES AND A BB PISTOL. THE THREE OF THEM SHOT AT THE BACK FENCE FOR A WHILE THEN CAME INSIDE. PETER WAS GOING TO CALL HIS FATHER TO GET PERMISSION TO GO TO A FRIENDS HOUSE. AT THAT TIME PETER WAS SITTING ON THE FLOOR OF THE ROOM DIRECTLY EAST OF THE KITCHEN. MIKE FLEMM AND MIKE BRAUN WERE SEATED ON THE SOFA BEHIND AND TO PETER'S RIGHT. MIKE SAID HE LOOKED IN THE CHAMBER OF ONE OF THE RIFLES AND THOUGHT IT WAS EMPTY. MIKE FLEMM THEN TOOK THE RIFLE, POINTED IT AT PETER'S HEAD AND PULLED THE TRIGGER. THE GUN DISCHARGED STRIKING PETER IN THE RIGHT SIDE OF THE HEAD.

MIKE SAID PETER CRAWLED TO THE T.V. SET IN THE FRONT ROOM AND COLLAPSED. MIKE THEN TELEPHONED HIS FATHER WHO TOLD HIM TO CALL 9-1-1, WHICH MIKE DID. AFTER THE SHOOTING, MIKE FLEMM TOOK HIS GUNS AND LEFT THE HOUSE.

I TOLD MIKE ONE OF THE NEIGHBORS HEARD SOME YELLING AT HIS HOUSE AND HE SAID THAT HAPPENED SOME TIME BEFORE THE SHOOTING. HE SAID PETER AND MIKE FLEMM WERE IN PETER'S ROOM AND WOULDN'T LET MIKE IN. THEY THEN BEGAN YELLING AT EACH OTHER.

THIS INTERVIEW BEGAN AT 3:40 PM, ENDED AT 3:54 PM AND WAS TAPE RECORDED.

I THEN SPOKE TO DEBBIE LEDUNE WHO LIVES IN THE HOUSE DIRECTLY ACROSS THE STREET FROM THE BRAUN RESIDENCE. SHE SAID TODAY SHE RETURNED HOME AT 1:00 PM. SHE WAS SURE IT WAS 1:00 BECAUSE SHE ALWAYS RETURNS FROM THE TANNING SALON AT THAT TIME. SHE THEN HEARD SOME YELLING COMING FROM THE BRAUN RESIDENCE AND HEARD ONE BOY YELLING "LET ME IN." SHE THEN HEARD SOMEONE BANGING ON SOME DRUMS, AND GOT THE IMPRESSION THIS WAS TO DROWN OUT THE BOY YELLING. (SHE DID NOT KNOW WHO WAS YELLING.)

MRS. LEDUNE LEFT HER HOUSE AT 1:20 PM AND RETURNED AT APPROX. 1:45 PM. AT THAT TIME SHE NOTICED A UNIFORMED OFFICER AT THE BRAUN RESIDENCE. MIKE FLEMM WAS IN FRONT OF THE HOUSE WITH HIS BICYCLE, AND SHE WALKED OVER AND ASKED HIM WHAT WAS GOING ON. MIKE SAID ONE OF THE BOYS (REFERRING TO THE BRAUN'S) HAD HIT HIS HEAD ON SOMETHING. HE THEN GOT ON HIS BICYCLE AND RODE AWAY IN THE DIRECTION OF HIS HOUSE. I ASKED MRS. LEDUNE IF SHE NOTICED ANYTHING UNUSUAL ABOUT MIKE AND SHE SAID HE APPEARED TO BE IN A HURRY. HE HAD NOTHING IN HIS HANDS WHEN HE LEFT.

MRS. LEDUNE KNOWS OF MIKE FLEMM THROUGH HER KIDS AND SAID HE IS A NEIGHBORHOOD TROUBLE-MAKER.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

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INVOICES: 2340136

END OF REPORT

DR NO: 60534764 02

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SUPPLEMENT

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DR NO.: 60534764 3

REPORT DATE: 19960403 TIME: 1408

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

PROSECUTION DESIRED: YES

BOOKING VICTIM NOTIFIED: NO

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): ROBERT MILLS

2781 UNIT: C34

PREMISES: SINGLE FAMILY HOUSE

OCCUPIED:

PHOTOGRAPHS TAKEN: YES BY: A3160

SCENE PROCESSED FOR LATENTS: NO BY:

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 018613 N 13 DR

DATE: 040296

SEARCH WARRANT INVOLVED: YES

0001 PKG 000 CODE:IE AP01
ITEM: YAMMUNI BRAND: MODEL: COLOR:
SIZE: QUANTITY: 0001 SERIAL NO.:
DESCRIPTION: BB. FOUND ON THE TILE FLOOR OF THE FRONT DOOR
FOYER.

0002 PKG 000 CODE:IE AP01
ITEM: SBEGUN BRAND: MARKSM MODEL: REPEATER COLOR: BLK
SIZE: QUANTITY: 0001 SERIAL NO.:
DESCRIPTION: ONE MARKSMAN REPEATER BB PISTOL. FOUND ON THE
LIVING ROOM COUCH WRAPPED IN ITEM 5.

0003 PKG 000 CODE:IC AP01
ITEM: SBEGUN BRAND: DAISY MODEL: 880 COLOR:
SIZE: QUANTITY: 0001 SERIAL NO.:
DESCRIPTION: DAISY BRAND 880 .177 CAL PELLET GUN. SPATTERED
WITH ORANGE PAINT. FOUND ON THE LIVING ROOM COUCH WRAPPED IN ITEM 5.

0004 PKG 000 CODE:IC AP01
ITEM: SBEGUN BRAND: DAISY MODEL: 990 COLOR:
SIZE: QUANTITY: 0001 SERIAL NO.:
DESCRIPTION: DAISY BRAND 990 .177 CAL PELLET GUN.
FOUND ON THE LIVING ROOM COUCH WRAPPED IN ITEM 5.

0005 PKG 000 CODE:IE UK00
ITEM: FCLOTHE BRAND: MODEL: COLOR:
SIZE: QUANTITY: 0001 SERIAL NO.:
DESCRIPTION: BLUE BATHROBE CONTAINING ITEM 2-4. FOUND ON

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SUPPLEMENT

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DR NO.: 60534764 3

LIVING ROOM COUCH.

0006 PKG 000 CODE:IC V 01
ITEM: YAMMUNI BRAND: MODEL: COLOR:
SIZE: QUANTITY: 0001 SERIAL NO.:
DESCRIPTION: PELLET FROM THE HEAD OF THE DECEDENT TAKEN AT THE
TIME OF AUTOPSY. GIVEN TO DET. MILLS BY DET. STRIBLING.

**** NARRATIVE ****

SERIAL NUMBER: 2781

SEARCH WARRANT SUPPLEMENT:

AFFIANT AND FINDER : DET. R. MILLS 2781
DATE : 4/2/96
TIMES, ENTRY AND EXIT : 1848 1910
JUDGE : JOHN BARCLAY, NW PHX JP.
PHOTOGRAPHER : GWEN FORD A-3160

ON THE DATE AND TIME INDICATED I EXECUTED THE SEARCH WARRANT FOR THE RESIDENCE AT 18613 N 13 DR. FOR ITEMS RELATING TO THE HOMICIDE OF PETER BRAUN. ONCE ENTRY WAS EFFECTED THE ITEMS WERE NOTED ON THE COUCH OF THE LIVING ROOM. THE BB WAS ON THE FLOOR OF THE ENTRY WAY. NO OTHER ITEMS WERE TAKEN. PHOTOGRAPHS OF THE FINDS WERE TAKEN.

AFTER THE AUTOPSY DET. STRIBLING GAVE ME THE PROJECTILE FOR IMPOUND.

ON 4/3/96 I TOOK BOTH RIFLES AND LOADED THEM THEN LOOKED IN THE BREECH ONLY AFTER THE BOLT HAD BEEN PUT IN BATTERY THEN RETRACTED. THE PROJECTILE WAS NOT VISABLE. ONCE PLACED IN BATTERY, THE PROJECTILE USED, COULD ONLY BE REMOVED BY FIRING OR STRIKING THE BUTT ON A HARD SURFACE SEVERAL TIMES OR ONCE WITH INCREASED FORCE. THE PROCESS WAS PHOTOGRAPHED BY LEROY RATH 4539.

THE RIFLES WILL BE SENT FOR ANALYSIS.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT: NO

INVOICES: 2340182 2340183

END OF REPORT

DR NO: 60534764 03

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760405 (A/C 6001

SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 4

REPORT DATE: 19960403 TIME: 1418

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): MARK STRIBLING

3565 UNIT: C34

PREMISES: SINGLE FAMILY HOUSE

OCCUPIED:

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000302 E UNION HILLS

DATE: 040296

SEARCH WARRANT INVOLVED: NO

0001 PKG 000 CODE:E1 IS01

ITEM: RATAPE BRAND: MODEL: COLOR:

DESCRIPTION: ORIGINAL AUDIO CASSETTE TAPE RECORDING OF AN
INTERVIEW WITH SUSPECT MIKE FLEMM.

**** NARRATIVE ****

SERIAL NUMBER: 3565

*****THIS SUPPLEMENT IS FOR IMPOUNDING PURPOSES*****

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 2340178

END OF REPORT

DR NO: 60534764 04

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SUPPLEMENT

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DR NO.: 60534764 5

REPORT DATE: 19960403 TIME: 1444

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): ROBERT MILLS

2781

UNIT: C34

=====

=

= *** REQUEST FOR SCIENTIFIC ANALYSIS ***

=

=====

CURRENT DR IS : 60534764 05 BIOLOGICAL EVID (BLOOD,SEMEN,TISSUE): N

NAM: FLEMM MICHAEL

NAM:

OFF:HOMICIDE

LOCATION: 001416 W RENE

JAILED: N

OFGR REQ OF ANALYSIS:MILLS, ROBERT
(LAST,FIRST,MIDDLE) FIRM NAME USE BUS.

DATE OCC:040296 TIME:1349

VIC: BRAUN PETER

DATE REQ:040396 TIME:1445

BUS:

DUI RELATED:N

MARIJUANA: DRUGS: BLOOD ALC: BREATH ALC: OTHER: Y PER INVOICE: Y

INVOICE	ITEM #	SFX	TYPE	INVOICE	ITEM #	SFX	TYPE
0002340183	0003		SBBGUN	0002340183	0004		SBBGUN
0002340183	0006		YAMMUNI				

BLOOD DRAWN BY:

1.DATE/TIME DRAW:000000 / 0000

LOC OF DRAWING:

2.DATE/TIME DRAW:000000 / 0000

**** NARRATIVE ****

SERIAL NUMBER: 2781

PLEASE FUNCTION CHECK BOTH WEAPONS.

THE MOD. 990 IS REPUTED TO BE THE WEAPON USED TO FIRE ITEM 6. PLEASE ATTEMPT TO DETERMINE WHICH WEAPON FIRED THE PELLET.

PLEASE DETERMINE THE MUZZLE VELOCITY OF EACH WEAPON.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

END OF REPORT

DR NO: 60534764 05

SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 6

REPORT DATE: 19960403 TIME: 1528

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): TIMOTHY COONING

3338 UNIT: C34

PREMISES: SINGLE FAMILY HOUSE

OCCUPIED:

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 001416 W RENEE

DATE: 040296

SEARCH WARRANT INVOLVED: NO

0001 PKG 000 CODE:IE UK00
ITEM: *MISC BRAND: MODEL: COLOR:
DESCRIPTION: BAGS NUMBERED 1 THRU 6 WHICH CONTAIN BOTTLE
CAPS FOR BUD LITE BEER BOTTLES.

0002 PKG 000 CODE:IE UK00
ITEM: *MISC BRAND: MODEL: COLOR:
DESCRIPTION: BAG LISTED AS ITEM 7 ON CRIME SCENE DIAGRAM
BLACK SHORT SLEEVE T SHIRT, WORN BY VICTIM

0003 PKG 000 CODE:IE UK00
ITEM: *MISC BRAND: MODEL: COLOR:
DESCRIPTION: SHORT SLLEVE WHITE T SHIRT WITH SMALL BLOODSTAIN
FOUND NEXT TO BLACK T SHIRT AT SCENE

0004 PKG 000 CODE:IE UK00
ITEM: *MISC BRAND: MODEL: COLOR:
DESCRIPTION: BROWN BAGS NUMBERED 9 THRU 13. FOUND TO CONTAIN
FIVE BUD LITE BEER BOTTLES. FOUND IN TRASH CAN
AT THE SCENE.

**** NARRATIVE ****

SERIAL NUMBER: 3338

THE LISTED ITEMS WERE FOUND AT THE SCENE OF A HOMICIDE ON 4-2-96. THE
ITEMS WERE RETAINED AS EVIDENCE.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 2340203

END OF REPORT

DR NO: 60534764 06

PHOENIX POLICE DEPARTMENT REPORT

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SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 7

REPORT DATE: 19960403 TIME: 1626

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

PROSECUTION DESIRED: YES

BOOKING VICTIM NOTIFIED: NO

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): ROBERT MILLS

2781 UNIT: C34

PREMISES: STREET/ROADWAY/ALLEY

OCCUPIED:

PHOTOGRAPHS TAKEN: NO BY:

SCENE PROCESSED FOR LATENTS: NO BY:

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000120 S 6 AV

DATE: 040396

SEARCH WARRANT INVOLVED: NO

0001 PKG 000 CODE:IC V 01

ITEM: YAMMUNI BRAND: MODEL: COLOR:

DESCRIPTION: SHOT SHELL REMNANTS AN PROJECTILES FROM THE
VICTIM. TAKEN AT THE TIME OF AUTOPSY. GIVEN TO DET. MILLS FOR
IMPOUND BY DET. JONES

0002 PKG 000 CODE:IC V 01

ITEM: PSPECIM BRAND: MODEL: COLOR:

SIZE: QUANTITY: 0001 SERIAL NO.:

DESCRIPTION: TUBE OF BLOOD FROM THE VICTIM. TAKEN AT THE TIME
OF AUTOPSY. GIVRN TO DET. MILLS FOR IMPOUND BY DET. JONES.

**** NARRATIVE ****

SERIAL NUMBER: 2781

THESE ITEMS WERE IMPOUNDED UNDER THE WRONG REPORT. THE CORRECT DR IS
60532686.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 2340219

END OF REPORT

DR NO: 60534764 07

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96040JCAE6001

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DR NO.: 60534764 8

REPORT DATE: 19960403 TIME: 1740

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

BOOKING VICTIM NOTIFIED: NO

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): JERRY CHANEY

2545 UNIT: C61

PHOTOGRAPHS TAKEN: NO BY:

SCENE PROCESSED FOR LATENTS: NO BY:

**** NARRATIVE ****

SERIAL NUMBER: 2545

ON 4-3-96 AT APPROXIMATELY 12:20 A.M. I RESPONDED TO ST. JOSEPH'S HOSPITAL AT 350 W. THOMAS ROAD TO COMPLETE THE BODY TAG ON PETER BRAUN WHOSE DEATH HAD BEEN INVESTIGATED EARLIER THE PREVIOUS DAY BY THE ASSAULT AND HOMICIDE DETAIL. I HAD BEEN GIVEN THE BODY TAG EARLIER IN THE EVENING AND HAD BEEN INFORMED THAT THE MEDICAL EXAMINER HAD GIVEN PERMISSION FOR PETER BRAUN TO BE AN ORGAN DONOR.

THE BODY WAS LOCATED IN THE HOSPITAL MORGUE IN A WHITE PLASTIC BODY BAG. AFTER CHECKING WITH THE ORGAN DONOR PERSONNEL IT WAS LEARNED THAT NO MORTUARY HAD BEEN REQUESTED BY THE FAMILY. THE MEDICAL EXAMINER'S OFFICE WAS CONTACTED AND THE NEXT ROTATION MORTUARY PHOENIX MEMORIAL WAS CALLED TO TRANSPORT THE BODY. I DID SEAL THE BODY BAG WITH TAG #739425.

THIS COMPLETES MY PORTION OF THIS INVESTIGATION.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

END OF REPORT

DR NO: 60534764 08

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DR NO.: 60534764 9

REPORT DATE: 19960404 TIME: 0924

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): BARRY GIESEMANN

5248

UNIT: C72

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000350 W THOMAS RD

DATE: 040296

SEARCH WARRANT INVOLVED:

0001 PKG 001 CODE:EI V 01
ITEM: PCLOTHE BRAND: SEGA MODEL: SHOES COLOR: BLK
SIZE: 3.5 QUANTITY: 0002 SERIAL NO.:
DESCRIPTION: VICTIM'S BLACK TENNIS SHOES RECOVERED FROM HOSPI-
TAL BY 5248. DROP OF BLOOD ON SHOES.

0002 PKG 001 CODE:EI V 01
ITEM: PCLOTHE BRAND: MODEL: SOCKS COLOR: WHI
SIZE: QUANTITY: 0002 SERIAL NO.:
DESCRIPTION: VICTIM'S WHITE SOCKS RECOVERED FROM HOSPITAL BY
5248. DROP OF BLOOD ON SOCKS.

0003 PKG 001 CODE:EI V 01
ITEM: PCLOTHE BRAND: MODEL: SHORTS COLOR: RED
SIZE: LARGE QUANTITY: 0001 SERIAL NO.:
DESCRIPTION: VICTIM'S RED SHORTS (BOXER STYLE) RECOVERED FROM
HOSPITAL BY 5248. TRACES OF BLOOD ON SHORTS.

0004 PKG 001 CODE:EI V 01
ITEM: PCLOTHE BRAND: MODEL: UNDERSHORTS COLOR: WHI
SIZE: 10 QUANTITY: 0001 SERIAL NO.:
DESCRIPTION: VICTIM'S WHITE UNDERSHORTS RECOVERED FROM HOSPITAL
BY 5248.

0005 PKG 001 CODE:EI V 01
ITEM: *MISC BRAND: MODEL: PLASTIC BAG COLOR:
SIZE: QUANTITY: 0001 SERIAL NO.:
DESCRIPTION: PLASTIC BAG THAT CONTAINED THE ABOVE LISTED CLOTH-
ING WHEN IT WAS GIVEN TO 5248 BY HOSPITAL PERSONNEL ON 4-2-96.

**** NARRATIVE ****

SERIAL NUMBER: 5248

ON 4-2-96 AT ABOUT 1600 HRS THE LISTED VICTIM'S CLOTHING WAS GIVEN TO ME
BY PERSONNEL AT ST. JOSEPH'S HOSPITAL. I RETAINED POSSESSION OF THE
ITEMS AND IMPOUNDED THEM THAT EVENING AT 620 W. WASHINGTON (IMPOUNDED IN
DRYING ROOM FIRST).

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DR NO.: 60534764 9

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 2340348

END OF REPORT

DR NO: 60534764 09

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SUPPLEMENT

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DR NO.: 60534764 10

REPORT DATE: 19960404 TIME: 1031

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): BARRY GIESEMANN

5248

UNIT: C72

**** PARENT/GUARDIAN INFORMATION ****

PARENT/GUARDIAN -01:

NAME: BRAUN, CHRISTOPHER ROBERT

RACE: W SEX: M AGE: DOB: 011264 HT: 000 WT: 000

CLOTHING DESC & MISC:

VICTIM'S FATHER

HOME: 001416 W RENEE

DR APT/SUITE:

PHOENIX AZ

ZIP CODE: 85027

RES.NAME [

] PHONE: 602 492 9938

WORK: 000946 S 25

AV APT/SUITE:

PHOENIX AZ

ZIP CODE:

BUS.NAME [MOTOR CARGO FREIGHT LINES

] PH: 602 278 2806 EXT.

OCCUPATION: DISPATCHER

WORK HOURS: 0000

DAYS OFF: SAT/SUN

PARENT/GUARDIAN -02:

NAME: BRAUN, KARYLE J

RACE: W SEX: F AGE: DOB: 010160 HT: 000 WT: 000

CLOTHING DESC & MISC:

VICTIM'S MOTHER

HOME: 001416 W RENEE

DR APT/SUITE:

PHOENIX AZ

ZIP CODE: 85027

RES.NAME [

] PHONE: 602 492 9938

WORK: 001910 W MOUNTAIN VIEW

ROAD APT/SUITE:

PHOENIX AZ

ZIP CODE:

BUS.NAME [SHAMROCK FOODS

] PH: 602 233 6401 EXT.2294

**** NARRATIVE ****

SERIAL NUMBER: 5248

ASSISTING PERSONNEL;

DR. JEFF HILL M.D.

PEDIATRIC INTENSIVE CARE DOCTOR WHO DECLARED
VICTIM'S DEATH AT ST. JOSEPH'S HOSPITAL.

DR. DALE STANNARD M.D.

ADMITTING EMERGENCY ROOM DOCTOR AT ST. JOSEPH'S.

VAUGHN PERKINS

PILOT FOR D.P.S. HELICOPTER THAT TRANSPORTED V1.

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Continued.

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BUD CLARK

D.P.S. CREWMEMBER/MEDIC ON HELICOPTER.

CARLOS PISANO

PHOENIX FIREFIGHTER/PARAMEDIC ASSISTED ON HELO.

ON 4-2-96 AT ABOUT 1435 HRS, SGT. MILLWARD TOLD ME TO ASSIST IN THIS INVESTIGATION. HE HAD JUST LEARNED THAT A 10 YEAR OLD BOY HAD BEEN SHOT IN THE HEAD WITH A BB TYPE GUN AND THE BOY WAS BEING TRANSPORTED TO ST. JOSEPH'S HOSPITAL. I ARRIVED AT THE HOSPITAL ABOUT 1515 HRS AND SAW THE VICTIM PETER BRAUN BEING TREATED IN THE EMERGENCY ROOM. I SAW AN XRAY OF PETER'S HEAD INDICATING HE HAD A PELLET IN HIS HEAD. THE STAFF ADVISED ME THAT THEY WERE GOING TO TAKE PETER TO GET A CAT SCAN TO DETERMINE A BETTER LOCATION OF THE PELLET.

I THEN CONTACTED THE FLIGHT CREW WHO HAD TRANSPORTED PETER BRAUN (VAUGHN PERKINS, BUD CLARK, AND CARLOS PISANO). THEY TOLD ME THAT PETER HAD BEEN UNRESPONSIVE DURING THEIR CONTACT WITH HIM. THEY DID NOT NOTE ANY OTHER INJURIES TO PETER OTHER THAN THE INJURY TO HIS RIGHT EAR.

AFTER TALKING TO THE FLIGHT CREW I BRIEFLY SPOKE TO OFF. ENG #3667. ENG TOLD ME THAT HE HAD TRANSPORTED THE VICTIM'S PARENTS TO THE HOSPITAL AND HE HAD NO OTHER INVOLVEMENT IN THE INVESTIGATION.

NEXT I NOTIFIED SGT. MILLWARD BY PHONE THAT THE VICTIM'S CONDITION WAS VERY SERIOUS. I THEN WENT UP TO THE PEDIATRIC ICU AND SAW THAT HOSPITAL STAFF WERE WORKING ON THE VICTIM. I SPOKE TO DR. JEFF HILL WHO WAS ATTENDING TO THE VICTIM. HE PRONOUNCED THE VICTIM'S DEATH AT 1535 HRS IN THE PEDIATRIC ICU. DR. HILL LATER SHOWED ME AN ABRASION ON THE VICTIM'S RIGHT EAR WHICH HE BELIEVED WAS THE PELLET ENTRANCE. DR. HILL TOLD ME THAT HE BELIEVED THE PELLET ENTERED FROM AN ANGLE JUST SLIGHTLY BEHIND THE RIGHT EAR. THE PELLET TRAVELED THROUGH THE BRAIN AND STOPPED IN THE LEFT TEMPORAL AREA.

HOSPITAL STAFF NOTIFIED KARYLE AND CHRISTOPHER BRAUN (VICTIM'S PARENTS) OF THEIR SON'S DEATH AT THE HOSPITAL. I REMAINED AT THE HOSPITAL UNTIL ABOUT 1825 HRS. DURING THAT AFTERNOON I SPOKE TO BOTH PARENTS BRIEFLY.

CHRISTOPHER BRAUN TOLD ME THAT HIS SON PETER WAS ON SPRING BREAK THIS WEEK AND THAT PETER IS IN THE 4TH GRADE AT DESERT WINDS SCHOOL. CHRISTOPHER SAID HE LEFT HOME THIS MORNING FOR WORK AROUND 0530 HRS AND BELIEVES HIS WIFE KARYLE LEFT FOR WORK AT ABOUT 0540 HRS. BOTH OF THEIR SONS (PETER AND MICHAEL) WERE SLEEPING WHEN CHRISTOPHER LEFT. CHRISTOPHER TOLD ME THAT THEY DO NOT HAVE ANY GUNS OR RIFLES OF ANY TYPE AT THEIR HOUSE.

CHRISTOPHER TOLD ME THAT HE FIRST LEARNED OF THE INCIDENT WHEN HIS SECRETARY ROSE FABIDUN TOLD HIM THAT HIS SON PHONED FOR HIM AT WORK. CHRISTOPHER SAID THAT AS SOON AS HE GOT ON THE PHONE WITH HIS SON MICHAEL THAT MICHAEL WAS HYSTERICAL. MICHAEL TOLD HIM THAT PETER HAD FALLEN AND

SUPPLEMENT

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HIT HIS HEAD. MICHAEL LATER TOLD HIM THAT PETER WAS SHOT WITH A BB GUN BY THEIR FRIEND MICHAEL FLEMM. MICHAEL TOLD CHRISTOPHER THAT HE HAD LOOKED INTO THE BB GUN AND SAW THAT IT WAS EMPTY. CHRISTOPHER TOLD HIS SON MICHAEL TO CALL 911 AS SOON AS HE HUNG UP. CHRISTOPHER ALSO PHONED 911 FROM HIS WORK AND THEN HE WENT HOME. CHRISTOPHER ALSO SAID THAT HE BELIEVED THAT JUST BEFORE THE SHOOTING THAT HIS SON MICHAEL HAD BEEN TALKING TO ROSE. MICHAEL HAD CALLED TO ASK HIM IF THEY COULD LEAVE THE HOUSE.

I ALSO BRIEFLY SPOKE TO KARYLE BRAUN. SHE TOLD ME THAT SHE HAD BEEN AT WORK AND GOT A PHONE CALL FROM HER HUSBAND'S SECRETARY TELLING HER THAT SOMETHING WAS WRONG AT HOME. SHE PHONED HOME AND SPOKE TO HER SON MICHAEL. MICHAEL TOLD HER THAT THEY WERE WRESTLING AND THAT BLOOD WAS COMING OUT OF PETER'S EAR. KARYLE THEN BRIEFLY SPOKE TO A PARAMEDIC WHO TOLD HER THAT THEY WERE GOING TO TRANSPORT PETER TO THE HOSPITAL BY HELICOPTER.

AT ABOUT 1815 HRS OFFICERS ARRIVED WITH MICHAEL BRAUN AT ST. JOSEPH'S HOSPITAL. I ESCORTED HIM TO HIS PARENTS AND THEN LEFT THE HOSPITAL. THEN I RETURNED TO THE MAIN POLICE STATION AND IMPOUNDED THE VICTIM'S CLOTHING THAT HAD BEEN GIVEN TO ME BY HOSPITAL PERSONNEL.

I ALSO STARTED A MEDICAL EXAMINER'S TAG FOR PETER BRAUN AND LEFT IT WITH DET. CHANEY AT THE G.I.B. DESK TO BE COMPLETED LATER WHEN THE HOSPITAL NOTIFIED THE DESK THAT THE VICTIM WAS READY FOR TRANSPORT TO THE M.E.

END OF SUPPLEMENT.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

END OF REPORT

DR NO: 60534764 10

SUPPLEMENT

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DR NO.: 60534764 11

REPORT DATE: 19960405 TIME: 0955

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): MARK STRIBLING

3565 UNIT: C34

PREMISES: SINGLE FAMILY HOUSE

OCCUPIED:

**** NARRATIVE ****

SERIAL NUMBER: 3565

ON 4-5-96 ASSAULT DET. GIESEMAN CALLED AND AND STATED THAT VICTIM PETER BRAUN'S FATHER CHRIS, HAD JUST CALLED HIM FOR INFORMATION ON THIS INVESTIGATION. I THEN CALLED MR. BRAUN AND SPOKE WITH HIM ABOUT THE PROGRESS OF MY INVESTIGATION. I TOLD HIM THAT UP TO THIS POINT IN TIME, IT APPEARS THAT THE STORY HIS SON MIKE AND THE ONE MIKE FLEMM GAVE TO ME ARE BASICALLY THE SAME. I ALSO EXPLAINED TO HIM THAT I HAD PEERSONALLY LOUKED AT THE PELLET RIFLE AND FOUND IT WAS IMPOSSIBLE TO TELL IF IT WAS LOADED, BY JUST PULLING THE BOLT BACK AND LOOKING INTO THE BREACH OF THE BARREL. I TOLD MR. BRAUN THAT THE REPORT WOULD BE COMPELTED AND FORWARDED TO THE COUNTY ATTORNEY'S OFFICE FOR REVIEW. THEY WOULD THEN DECIDE IF ANY CHARGES WOULD BE BROUGHT AGAINST MIKE FLEMM.

AT THIS POINT I ASKED MR. BRAUN ABOUT THE BEER BOTTLES WE FOUND IN HIS TRASH AND THE BEER BOTTLE CAPS ON THE FLOOR OF HIS FAMILY ROOM. HE TOLD ME THAT BEER WAS CONSUMED THE NIGHT BEFORE BY HE AND HIS WIFE AND THE CAPS WERE PROBABLY LEFT ON THE FLOOR.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

END OF REPORT

DR NO: 60534764 11

SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 12

REPORT DATE: 19960405 TIME: 1435

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): KENNETH SHRINER

3276 UNIT: 93A

**** NARRATIVE ****

SERIAL NUMBER: 3276

I RESPONDED TO AN INJURED PERSON CALL. THE FIRE DEPARTMENT WAS ON THE SCENE WHEN I ARRIVED. OFFICER ESPERUM #2829 HAD BEEN AT THE SCENE AND RETURNED JUST AS I ARRIVED. ESPERUM ADVISED ME THAT FIRE PERSONNEL POINTED OUT FLEMM TO HIM AS HE ARRIVED. FLEMM WAS RIDING HIS BICYCLE EASTBOUND ON RENEE, AWAY FROM THE SCENE. OFFICER ESPERUM STOPPED HIM AND HAD HIM RETURNED TO THE SCENE.

I CONTACTED MIKE BRAUN WHO ADVISED ME THAT HE HAD BEEN WRESTLING WITH HIS BROTHER PETER. MIKE SAID HE PICKED HIS BROTHER UP AND THREW HIM ONTO THE COUCH, IN THE LIVING ROOM. HE MUST HAVE HIT HIM WITH AN ELBOW OR A KNEE BECAUSE HE BEGAN BLEEDING AND CRAWLED INTO THE DEN. THE PARAMEDICS INTERRUPTED ME AT THIS TIME, SAYING THAT THE INJURIES DID NOT MATCH THE STORY.

MIKE BRAUN AND FLEMM BEGAN TO COUNCIL EACH OTHER ON A STORY SO THEY WERE SEPARATED. OFFICER RYAN #2084, TOOK FLEMM INTO A BEDROOM AND I CONTINUED TO TALK TO MIKE. MIKE HELD TO HIS STORY, SAYING HE DIDN'T KNOW HOW HIS BROTHER GOT HIS INJURIES.

A FEW MINUTES LATER OFFICER RYAN CAME TO GET ME AND MIKE. WE WALKED INTO THE BEDROOM AND OFFICER RYAN SAID, "OKAY, HERE HE IS." THE TWO BOYS EXCHANGED HEAD NODS AND BRAUN SAID "HE SHOT HIM WITH A BB GUN." BRAUN SAID THEY HAD BEEN SHOOTING THE BB GUN IN THE BACKYARD EARLIER. HE SHOOK THE GUN AND DIDN'T HEAR ANY BB'S. HE PUMPED IT UP AND HANDED IT TO FLEMM. FLEMM SHOT PETER FROM A DISTANCE OF TWO AND A HALF TO THREE FEET AS INDICATED BY BRAUN, HOLDING HIS HANDS APART.

FLEMM WAS IN AGREEMENT WITH THIS STORY AND SAID HE TOOK THE BB GUN HOME. HE AGREED TO TAKE ME TO HIS HOUSE AND SHOW ME WHERE THE BB GUN WAS.

PETER BRAUN WAS TRANSPORTED TO ST. JOSEPH'S HOSPITAL BY HELICOPTER. GIB ASSAULTS WAS CALLED. I CONTACTED DAVID FLEMM AND MET HIM AT HIS HOME. I HAD MIKE FLEMM IN THE BACK SEAT OF MY PATROL CAR FROM THE TIME THE HELICOPTER LEFT UNTIL I WAS CONTACTED BY DETECTIVES.

4-5-96 1532 GIB A2955/MARGE

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

PHOENIX POLICE DEPARTMENT REPORT

100705 CDE 0000

SUPPLEMENT

PAGE NO. 2

DR NO.: 60534764 12

INVOICES:

JUVENILE MIRANDA ATTACHED END OF REPORT

DR NO: 60534764 12

PHOENIX POLICE DEPARTMENT REPORT

760705 CWE 6001

SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 13

REPORT DATE: 19960405 TIME: 1536

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): MARK STRIBLING

3565 UNIT: C34

**** NARRATIVE ****

SERIAL NUMBER: 3565

THIS SUPPLEMENT WAS GENERATED TO ENTER THE JUVENILE MIRANDA WARNINGS FOR
MICHAEL FLEMM, BY DETECTIVE STRIBLING.

4-5-96 1600 GIB A2955/MARGE

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

JUVENILE MIRANDA ATTACHED END OF REPORT

DR NO: 60534764 13

TYPE OF REPORT: HOMICIDE

DR NUMBER: 60534764 13 001

LOCATION OF OCCURENCE: 001416 W RENEE DR

960405CWE6001

PHOENIX POLICE DEPARTMENT - JUVENILE MIRANDA WARNINGS -

JUVENILE'S NAME	DOB	AGE	DATE/TIME WARNINGS GIVEN
FLEMM, MICHAEL RYAN	12/02/83	12	4/02/96 1759

LOCATION WARNINGS GIVEN: 016030 N 56 ST OFFICER 3565

JUVENILE S PRESENT GRADE IN SCHOOL	JUVENILE'S REPORTED PERFORMANCE IN SCHOOL A'S AND B'S	MARK STRIBLING IF NOT IN SCHOOL, LAST GRADE COMPLETED
6		5

THESE ARE YOUR MIRANDA WARNINGS:

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
THIS MEANS THAT YOU DO NOT HAVE TO TALK TO ME OR ANSWER MY QUESTIONS ABOUT THIS CRIME. YOU CAN BE QUIET IF YOU WISH.
DO YOU UNDERSTAND THIS? YES
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
THIS MEANS THAT ANYTHING YOU TELL ME I CAN USE LATER AGAINST YOU IN A COURT OF LAW. A COURT OF LAW IS A PLACE WHERE A PERSON OR JUDGE WILL DECIDE WHETHER YOU COMMITTED A CRIME. A JUDGE IS LIKE AN UMPIRE IN A BASEBALL GAME. HE DECIDES WHETHER YOU ACTED IN A RIGHT OR WRONG WAY. IF YOU DID SOMETHING WRONG YOU MAY BE PUNISHED. DO YOU UNDERSTAND THIS? YES
3. YOU HAVE THE RIGHT TO HAVE AN ATTORNEY PRESENT PRIOR TO AND DURING QUESTIONING. THIS MEANS, IF YOU WANT ONE, YOU ARE ALLOWED TO HAVE A LAWYER HERE BEFORE AND DURING MY QUESTIONS TO YOU. AN ATTORNEY IS A LAWYER OR PERSON WHO WILL SPEAK FOR YOU AND HELP YOU CONCERNING THE CRIME WHICH WE THINK YOU HAVE DONE. DO YOU UNDERSTAND THIS RIGHT? YES
4. IF YOU CANNOT AFFORD AN ATTORNEY, YOU HAVE THE RIGHT TO HAVE ONE APPOINTED FOR YOU PRIOR TO QUESTIONING. THIS MEANS IF YOU DO NOT HAVE THE MONEY TO GET A LAWYER, IF YOU WISH, ONE WILL BE GIVEN TO YOU FREE OF CHARGE BEFORE YOU ARE QUESTIONED. DO YOU UNDERSTAND THIS RIGHT? YES

IF YOU WANT TO ANSWER QUESTIONS NOW WITHOUT A LAWYER PRESENT, YOU MAY. YOU WILL STILL HAVE THE RIGHT TO STOP ANSWERING QUESTIONS AT ANY TIME.

DO YOU UNDERSTAND EACH OF THESE RIGHTS? YES

DO YOU AGREE TO GIVE UP THESE RIGHTS AND TALK TO ME? YES

DO YOU WANT TO HAVE YOUR PARENT(S) OR GUARDIAN(S) PRESENT DURING QUESTIONING? YES

THE POSSIBILITY EXISTS THAT YOUR CASE MAY BE HANDLED BY AN ADULT COURT. THIS MEANS THAT A JUVENILE JUDGE MAY DECIDE THAT YOU DO NOT BELONG IN JUVENILE COURT BECAUSE YOU ARE TOO OLD, HAVE DONE A SERIOUS CRIME, OR HAVE DONE TOO MANY CRIMES BEFORE THIS ONE. IF YOU ARE TAKEN TO ADULT COURT, YOU MAY GET MORE PUNISHMENT THAN YOU WOULD RECEIVE IN JUVENILE COURT.

DO YOU UNDERSTAND THIS? YES

OFFICER WRITING REPORT/S
MARK STRIBLING

SERIAL
3565

DR NUMBER
60534764 13

PHOENIX POLICE DEPARTMENT REPORT

960405CWE 6001

SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 14

REPORT DATE: 19960405 TIME: 1617

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER[S]: MARK STRIBLING

3565 UNIT: C34

PREMISES: SINGLE FAMILY HOUSE

OCCUPIED:

**** NARRATIVE ****

SERIAL NUMBER: 3565

ON 4-2-96 AT APPROXIMATELY 7:30 PM I SPOKE WITH SUSPECT MIKE FLEMM'S BROTHER DAVID, WHILE OUTSIDE HIS RESIDENCE AT 18613 N. 13TH DRIVE. DAVID TOLD ME HE WILL BE 15 YEARS OLD ON THURSDAY AND HE IS A FRESHMAN AT BARRY GOLDWATER HIGH SCHOOL. I ASKED HIM IF HE OWNED ANY PELLET/BB GUNS AND HE TOLD ME HE HAD THREE OF THEM. I ALSO ASKED HIM TO HAVE HIS DAD CALL ME AS SOON AS HE COULD.

AT ABOUT 9:30 PM THAT NIGHT I RECEIVED A CALL FROM MR. FLEMM. AT THAT TIME I TOLD HIM THAT PETER BRAUN HAD DIED OF THE PELLET WOUND TO HIS HEAD. MR. FLEMM WAS OBVIOUSLY UPSET BY THIS NEWS AND ASKED ME WHAT HE SHOULD TELL HIS SON MIKE. I SUGGESTED THAT HE TELL HIM THE TRUTH, BECAUSE KIDS IN THE NEIGHBORHOOD HAD BEEN TOLD BY THE NEWS MEDIA ABOUT THE DEATH AND IT WOULD BE BETTER COMING FROM HIM THEN THE KIDS. HE ALSO ASKED ME WHAT WAS GOING TO HAPPEN TO MIKE. I AGAIN EXPLAINED TO HIM THAT ONCE MY INVESTIGATION WAS COMPLETED, I WOULD SUBMIT IT TO THE COUNTY ATTORNEY'S OFFICE FOR THEIR REVIEW. MR. FLEMM ASKED ME TO KEEP HIM POSTED ABOUT THIS CASE AND I TOLD HIM I WOULD.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

END OF REPORT

DR NO: 60534764 14

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 18

REPORT DATE: 19960414 TIME: 1548

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER[S]: TIMOTHY COONING

3338

UNIT: C34

**** NARRATIVE ****

SERIAL NUMBER: 3338

ON TUESDAY, 4-2-96, AT 1545 HOURS, I WAS DIRECTED BY SERGEANT ALDREDGE TO PROCEED TO 1416 WEST RENEE IN REFERENCE TO A HOMICIDE. I ARRIVED AT 1630 HOURS AND ATTENDED A BRIEFING WHICH WAS CONDUCTED BY SERGEANT MILLWARD. SERGEANT MILLWARD INDICATED THE START TIME FOR THIS INCIDENT WAS 1349 HOURS. IT INVOLVED THE SHOOTING OF PETER BRAUN, W/M, 10-29-85. BRAUN HAD BEEN SHOT IN THE RIGHT EAR WITH A PELLET GUN AND HAD BEEN TRANSPORTED TO ST. JOSEPH'S HOSPITAL WHERE HE WAS PRONOUNCED DEAD.

THE SUSPECT WAS IDENTIFIED AS MICHAEL FLEMM, W/M, 12 YEARS OF AGE, WHO RESIDES AT 18316 NORTH 13TH DRIVE.

FOLLOWING THE BRIEFING SERGEANT ALDREDGE ASSIGNED DETECTIVE STRIBLING AS THE CASE AGENT AND ME AS THE SCENE INVESTIGATOR. DETECTIVE MILLS WAS TO ASSIST IN OBTAINING A SEARCH WARRANT FOR THE RESIDENCE AT 18316 NORTH 13TH DRIVE. THE BELOW LISTED INFORMATION WILL DESCRIBE THE RESIDENCE AT 1416 WEST RENEE AS IT APPEARED ON 4-2-96.

THE HOUSE IS A SINGLE STORY RESIDENTIAL STRUCTURE LOCATED ON THE NORTH SIDE OF WEST RENEE. THE HOUSE IS WHITE STUCCO IN COLOR WITH BROWN TRIM. THE FRONT DOOR FACES SOUTH AND IS LOCATED JUST EAST OF THE CARPORT AREA WHICH ENCOMPASSES THE WEST END OF THE RESIDENCE.

THERE IS A WALKWAY WHICH LEADS TO THE ENTRY WAY WHICH IS BORDERED BY A CEMENT SLAB. THERE AS A CAR PARKED ON THE EAST END OF THE CARPORT FACING NORTH. THIS WAS A BLACK TWO DOOR OLDSMOBILE BEARING ARIZONA LICENSE KJTJ-326. THE VEHICLE WAS NOT INVOLVED IN THIS INCIDENT.

AS YOU ENTER THE HOME THROUGH THE FRONT DOOR YOU PROCEED TO THE ENTRYWAY WHICH IS APPROXIMATELY 4' WIDE AND 6' LONG. THERE IS LIGHT BLUE CARPETING ON THE FLOOR. AS YOU LOOK EAST, THERE IS AN ENTRYWAY WHICH LEADS TO THE BEDROOMS OF THE RESIDENCE. THERE IS ONE BEDROOM LOCATED ON THE NORTH SIDE AND A BATHROOM LOCATED EAST OF THIS BEDROOM. THERE IS A CLOSET AT THE END OF THE HALLWAY WHICH FACES WEST. THERE ARE TWO BEDROOM DOORS ON THE SOUTH SIDE OF THE HOME, WHICH ALSO HAVE ENTRY DOORS OFF OF THIS HALLWAY.

LOOKING NORTH FROM THE ENTRY IS THE LIVING ROOM AREA WHERE THE SHOOTING OCCURRED. IN THIS ROOM IS A THREE CUSHION TAN COLORED SOFA AGAINST THE EAST WALL. AGAINST THE WEST WALL IN THE LIVING ROOM AREA IS A WALL UNIT WHICH CONTAINS A TV AND STEREO COMPONENT SYSTEM. THERE IS A FIRE PLACE WITH TWO TABLES AND A CHAIR ON THE NORTH WALL OF THE LIVING ROOM AREA.

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT

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DR NO.: 60534764 18

THERE WAS A BLOOD TRAIL LEADING FROM THE LIVING ROOM INTO THE FAMILY ROOM. IN THE FAMILY ROOM IS A TWO CUSHION TAN COLORED SOFA WHICH FACES SOUTH. ACROSS FROM THE SOFA IS A BOOK CASE AND TO THE EAST OF THE BOOK CASE WAS A TABLE CONTAINING A STAND FOR TWO PETS. AGAINST THE WEST WALL IS ANOTHER TABLE WITH A TV. THE TV IS POSITIONED ON A SMALL STAND WHICH CONTAINS A SEGA VIDEO SYSTEM.

THE VICTIM WAS FOUND IN FRONT OF THE TV BY FIRE PERSONNEL WHO TREATED HIM AT THAT LOCATION. THERE WAS A WHITE T-SHIRT FOUND IN THIS AREA.

THE TAN SOFA IN THIS ROOM HAD A BLOODY WHITE PILLOW ON TOP OF THE SOFA. ON THE WEST END. AS PREVIOUSLY MENTIONED IN THE SOUTHWEST CORNER OF THIS ROOM IS WHERE THE VICTIM WAS FOUND BY FIRE PERSONNEL. THERE WERE BLOOD DROPS IN FRONT OF THE CABINET AND IN THE LOWER SHELF AREA OF THE CABINET WHICH HOUSES THE SEGA UNIT. THERE WAS A BLUE RUG ALSO IN THIS AREA WHICH HAD BEEN MOVED BY FIRE PERSONNEL, PRIOR TO TREATING THE VICTIM.

AS PREVIOUSLY INDICATED, THE VICTIM WAS SHOT IN THE LIVING ROOM AREA. PER WITNESSES WHO OBSERVED THE SHOOTING. THE VICTIM THEN WALKED INTO THE ROOM LOCATED SOUTH OF THE LIVING ROOM AREA WHERE HE COLLAPSED. THE LIGHT IN THIS ROOM WHERE THE VICTIM WAS FOUND WAS TURNED ON. THIS ROOM MEASURES 13' NORTH/SOUTH AND 12' EAST WEST.

JUST NORTH OF THIS ROOM IS THE KITCHEN AREA WHICH IS TILED. AND LEADS TO A FRENCH DOOR WHICH EXITS TO THE BACK DOOR AREA.

JUST SOUTH OF THE KITCHEN AREA IS THE WASHER AND DRYER AND ALSO A TRASH CAN.

THE AREAS DISCUSSED WERE PHOTOGRAPHED BY I.D. TECHNICIAN FORO. THE ITEMS OF EVIDENCE WERE PHOTOGRAPHED, MEASURED, MARKED AND IMPOUNDED.

** MORE NARRATIVE CONTINUED ON NEXT PAGE.

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT

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DR NO.: 60534764 18

**** NARRATIVE ****

THE BELOW LISTED ITEMS WERE PHOTOGRAPHED AND/OR OBTAINED AS EVIDENCE IN THIS INVESTIGATION. THE REFERENCE POINT WAS THE EAST WALL OF THE RESIDENCE AND THE SOUTH WALL OF THE RESIDENCE.

- ITEM #1: A BUD LITE BEER CAP
24' WEST, 23'6" NORTH
- ITEM #2: BUD LITE BEER CAP
23'4" WEST, 22' NORTH
- ITEM #3: BUD LITE BEER CAP
23'6" WEST, 16'10" NORTH
- ITEM #4: BUD LITE BEER CAP
22' WEST, 16'10" NORTH
- ITEM #5: BUD LITE BEER CAP
23'6" WEST, 13'7" NORTH
- ITEM #6: BUD LITE BEER CAP
35' WEST, 5'8" NORTH
- ITEM #7: BLACK T-SHIRT
32' WEST, 5'7" NORTH
- ITEM #8: BEER CAP, FOUND IN KITCHEN
41' WEST, 6' NORTH
- ITEM #9: BUD LITE BOTTLE, FOUND IN TRASH CAN IN LAUNDRY ROOM
45' WEST, 3'8" NORTH
- ITEM #10: BUD LITE BOTTLE, FOUND SAME LOCATION AS ITEM #9
- ITEM #11: BUD LITE BOTTLE, FOUND SAME LOCATION AS ITEM #9
- ITEM #12: BUD LITE BOTTLE, FOUND SAME LOCATION AS ITEM #9
- ITEM #13: BUD LITE BOTTLE, FOUND SAME LOCATION AS ITEM #9

INSIDE THE REFRIGERATOR I FOUND TWO TWELVE PACKS OF BUD LITE BOTTLES. EACH HAD ONE BEER REMAINING IN EACH PACK. THEY WERE ON THE BOTTOM SHELF OF THE REFRIGERATOR. THEY WERE PHOTOGRAPHED.

- ITEM #A: BLOOD DROP IN THE LIVING ROOM
25'6" WEST, 11'4" NORTH
- ITEM #B: BLOODY PILLOW, FOUND ON THE SOFA CONTAINING TWO CUSHIONS
33' WEST, 9'6" NORTH

460 4052WE 6001

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT

PAGE NO. 4

DR NO.: 60534764 18

ITEM #C: BLOOD SPATTER, FOUND IN THE SOUTHWEST CORNER OF THE FAMILY ROOM
IN FRONT OF THE SMALL TV
35' WEST, 1'6" NORTH

IT IS UNKNOWN IF THE CHILDREN INVOLVED IN THIS INCIDENT CONSUMED ANY
ALCOHOL, HOWEVER, THE ITEMS WERE TAKEN AS EVIDENCE.

THE PHONE WAS ALSO PHOTOGRAPHED AS IT APPEARED IN THE KITCHEN AREA. THERE
WAS BLOOD FOUND ON THE EXTERIOR OF THE PHONE, AND THIS WAS ALSO
PHOTOGRAPHED.

ONCE THE ITEMS WERE PHOTOGRAPHED AND MEASURED THEY WERE COLLECTED AS
EVIDENCE AND SUBSEQUENTLY IMPOUNDED. THE RESIDENCE WAS LOCKED AT
APPROXIMATELY 1850 HOURS BY OFFICER RYAN. A BICYCLE WAS FOUND IN THE
CARPORT AREA AND THIS WAS SECURED IN THE KITCHEN AREA OF THE RESIDENCE.
PRIOR TO THE HOME BEING SECURED.

DETECTIVE STRIBLING WAS ADVISED OF THE ITEMS WHICH WERE SEIZED FROM THE
RESIDENCE. I THEN ASSISTED DETECTIVE MILLS BRIEFLY AT 18316 NORTH 13TH
DRIVE. I SECURED FROM THE SCENE AT APPROXIMATELY 1930 HOURS. I THEN
RETURNED TO 620 WEST WASHINGTON WHERE THE LISTED ITEMS WERE MARKED AND
LATER IMPOUNDED AS EVIDENCE.

PLEASE REFER TO THE CRIME SCENE DIAGRAM FOR DETAILS. MORE INFORMATION
WILL BE SUPPLEMENTED AS IT BECOMES AVAILABLE.

INVESTIGATION CONTINUING.

4-14-96 1610 GIB A2955/MARGE

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

END OF REPORT

DR NO: 60534764 18

960405CWE 6001

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 19

REPORT DATE: 19960415 TIME: 1347

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: D326

REPORTING OFFICER(S): MARK STRIBLING

3565

UNIT: C34

**** NARRATIVE ****

SERIAL NUMBER: 3565

PELLET RIFLE: DAISY BRAND MODEL 990. .177 CALIBER. RECOVERED AT SUSPECT
MICHAEL FLEMM'S RESIDENCE.

PHOTOGRAPHS: TAKEN LOADED AND UNLOADED BY L.P.E. LEROY RATH #A539

(NOTE): THIS EXPERIMENT WAS CONDUCTED AFTER DET. MILLS HAD ALREADY
CHECKED THE TWO PELLET RIFLES TO DETERMINED IF ONE COULD
TELL IF THEY WERE LOADED. IT WAS DONE SO I COULD ALSO CHECK
THE VISUAL CONDITION OF THE GUN WHEN LOADED AND UNLOADED.

=====

ON 4-3-96 DET. MILLS AND I CONDUCTED AN EXPERIMENT ON THE LISTED PELLET
RIFLE, TO SEE IF WE COULD TELL IF IT WAS LOADED OR UNLOADED. WE BEGAN BY
PUMPING THE RIFLE AND FIRING TO MAKE SURE IT WAS UNLOADED. WE THEN PULLED
THE BOLT BACK AND VIEWED THE BREECH. WHEN I VIEWED THIS AREA, THE RIFLE
APPEARED TO BE IN WHAT I WOULD CONCLUDE TO BE AN UNLOADED CONDITION.
WE NEXT PLACED A .177 CALIBER PELLET INTO THE BREECH OF THE BARREL AND
PLACED THE BOLT INTO BATTERY. THE BOLT WAS THEN PULLED BACK TO AGAIN
EXPOSE THE BREECH AREA. I LOOKED INTO THIS AREA AND OBSERVED THAT THE
PELLET WAS NOT VISABLE. THE RIFLE LOOKED TO BE IN THE SAME CONDITION AS
WHEN IT WAS UNLOADED. WE THEN FIRED THE RIFLE AND RETRIEVED THE SPENT
PELLET, WHICH SHOWS THE RIFLE WAS IN FACT LOADED.

IT SHOULD BE NOTED, THAT WHEN THE RIFLE WAS LOADED AND THE BOLT PULLED
BACK, THE PELLET REMAINED INSIDE THE BREECH OF THE BARREL. THE PELLET
WOULD NOT FALL OUT WITHOUT BEING FORCED.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

END OF REPORT

DR NO: 60534764 19

960405CWE6001

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 20

REPORT DATE: 19960403 TIME: 1437

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): MARK STRIBLING

3565

UNIT: C34

**** NARRATIVE ****

SERIAL NUMBER: 3565

CRIMINAL HISTORY CHECK ON MIKE FLEMM

=====

ON 4-3-96 I CONDUCTED A CRIMINAL HISTORY CHECK ON SUSPECT MIKE FLEMM. I FOUND HE HAS ONE PRIOR JUVENILE REFERRAL, WHICH OCCURRED ON 7-7-94. THIS REFERRAL WAS FOR SHOPLIFTING AND THEFT BY EXTORTION. THIS STEMMED FROM A SHOPLIFTING INCIDENT ON 6-17-94. IN THIS INCIDENT FLEMM WAS ALLEGED TO HAVE VERBALLY FORCED ANOTHER SUBJECT TO SHOPLIFT SEVERAL ITEMS, WHICH HAD A TOTAL VALUE OF \$6.90. THESE ITEMS WERE TAKEN FROM THE WALGREENS STORE AT 18631 N. 19TH AVE. AND CONSISTED OF SPORTS TRADING CARDS AND GUMMI BEAR CANDY.

ACCORDING TO JUVENILE COURT RECORDS, THE SHOPLIFTING CHARGE WAS THE ONLY ONE FOLLOWED UP ON. IT WAS ADJUSTED AND NO PENALTY WAS ENFORCED ON FLEMM.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

END OF REPORT

DR NO: 60534764 20

960405CWE 6005

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 21

REPORT DATE: 19960415 TIME: 1701

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): MARK STRIBLING

3565

UNIT: C34

*** NARRATIVE ***

SERIAL NUMBER: 3565

911 CALL

=====

911 CALL

POSITION #17

1345 HOURS

1416 W. RENEE

4-2-96

INCIDENT #960534764

=====

ON 4-15-96 I REVIEWED THE LISTED 911 CALL THAT WAS PLACED BY THE VICTIM'S BROTHER MIKE BRAUN. I RECOGNIZED MIKE'S VOICE ON THIS TAPE FROM SPEAKING WITH HIM PREVIOUSLY. THE FOLLOWING IS A SUMMARY OF THIS CALL.

THE POLICE OPERATOR ANSWERS THE CALL AND MIKE TELLS HER HIS LITTLE BROTHER DID SOMETHING TO HIS EAR AND ITS BLEEDING. THE OPERATOR TRIES TO CALM MIKE AND SHE PUTS THE FIRE DEPT. OPERATOR ON THE LINE ALSO. MIKE TELLS THE FIRE OPERATOR THAT HE HIT HIS BROTHER ON ACCIDENT WHEN THEY WERE JUST PLAYING AROUND. MIKE SAYS HIS BROTHER IS BLEEDING REALLY BAD AND THEY ARE HOME ALONE. THE FIRE OPERATOR ASKS MIKE TO CHECK ON HIS BROTHER. MIKE LEAVES THE PHONE FOR A MINUTE, COMES BACK AND SAYS HIS BROTHER IS KNOCKED OUT AND HE CAN'T WAKE HIM UP. THE OPERATOR ASKS MIKE WHAT HE HIT HIS BROTHER WITH AND HE SAYS HE THINKS THEY HIT HEADS. MIKE LATER SAYS HE KIND OF HEAD BUTTED HIS BROTHER'S EAR. MIKE CAN BE HEARD CRYING AND YELLING AT PETER TO WAKE UP. POLICE OFFICERS ARRIVE ON THE SCENE AND MIKE IS HEARD TELLING THEM HE HIT HIS BROTHER ON ACCIDENT.

IT SHOULD BE NOTED THAT MIKE BRAUN WAS OBVIOUSLY UPSET AND CRYING DURING THIS CALL. IT SHOULD ALSO BE NOTED THAT THIS CONVERSATION WOULD BE CONSISTENT WITH WHAT MIKE TOLD ME AT THE END OF OUR INTERVIEW. THIS BEING THAT HE AT FIRST SAID PETER WAS HIT ON THE HEAD AND NOT SHOT WITH THE PELLETT GUN. BECAUSE HE KNEW HIS DAD DID NOT WANT THE GUNS AT THEIR HOUSE.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

760400 CWR 0--1

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT

PAGE NO. 2

DR NO.: 60534764 21

END OF REPORT

DR NO: 60534764 21

760405 C WK 6001

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 22

REPORT DATE: 19960415 TIME: 1747

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): MARK STRIBLING

3565 UNIT: C34

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000620 W WASHINGTON ST

DATE: 041096

SEARCH WARRANT INVOLVED: NO

0001 PKG 000 CODE:EI ILO1

ITEM: RATAPE BRAND: MODEL: COLOR:

DESCRIPTION: ORIGINAL TAPE RECORDING OF A 911 CALL PLACED BY
MIKE BRAUN ON 4-2-96.

**** NARRATIVE ****

SERIAL NUMBER: 3565

*****THIS SUPPLEMENT IS FOR IMPOUNDING PURPOSES*****

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 2342766

END OF REPORT

DR NO: 60534764 22

960403 CWC 0001

PHOENIX POLICE DEPARTMENT REPORT

SUPPLEMENT

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DR NO.: 60534764 15

PHONE AND TURNED HIS HEAD JUST AS MIKE FLEMM PULLED THE TRIGGER. PETER THEN FELL TO THE FLOOR AND CRAWLED OVER AND PUT HIS HEAD UNDER WHERE THE SEGA GAME IS LOCATED. MIKE SAID PETER WAS BLEEDING FROM THE SIDE OF HIS HEAD SO HE GRABBED THE PHONE AND YELLED TO THE LADY ON THE OTHER END TO GET HIS DAD. HIS DAD CAME ON THE LINE AND TOLD MIKE TO CALL 911. I ASKED MIKE WHAT HAPPENED NEXT AND HE SAID HE TOLD MIKE FLEMM TO GET THE GUNS AND GET THEM OUT OF THE HOUSE, WHICH FLEMM DID. MIKE SAID HE TRIED TO HELP PETER AND EXPLAINED THAT WAS HOW HE GOT BLOOD ON HIS SHIRT AND PANTS.

AT THIS POINT I TOLD MIKE I HAD RECEIVED INFORMATION THERE WAS AN ARGUMENT AT HIS HOUSE AND I WANTED TO KNOW WHAT THAT WAS ABOUT. MIKE TOLD ME PRIOR TO PETER GETTING SHOT HE WAS YELLING AT PETER. HE SAID THAT PETER AND MIKE FLEMM HAD GONE INTO PETER'S ROOM AND THEY WOULD NOT LET HIM IN. HE RELATED THAT WHEN HE TRIED TO OPEN THE DOOR HE FOUND PETER'S TOY BOX HAD BEEN SHOVED UP AGAINST IT. HE SAID THAT FLEMM WAS PLAYING THE DRUMS AND PETER WAS ON THE BED. IT WAS THEN THAT HE WAS YELLING AT PETER TO LET HIM IN AND PETER WAS YELLING BACK TO STAY OUT OF HIS ROOM. I ASKED WHY FLEMM AND PETER WOULD HAVE GONE INTO THE BEDROOM WITHOUT HIM AND MIKE TOLD ME HE DIDN'T KNOW WHY. HE SAID THE ARGUMENT TOOK PLACE BEFORE PETER WAS HURT AND HE AND PETER HAVE OFTEN ARGUED IN THE PAST.

I THEN ASKED MIKE ABOUT THE BEER BOTTLE CAPS THAT WERE LYING IN THE LIVING ROOM AND THE BEER BOTTLES IN THE TRASH CONTAINER IN THE KITCHEN. MIKE FLATLY TOLD ME NONE OF THEM WERE DRINKING BEER. HE SAID HIS PARENTS DRANK THE BEER LAST NIGHT AND THE BOTTLE CAPS WERE LEFT ON THE FLOOR. IT SHOULD BE NOTED THAT MIKE DID NOT SMELL AS IF HE HAD CONSUMED ANY BEER AND DID NOT ACT LIKE HE HAD BEEN DRINKING.

I ASKED MIKE IF THEY HAD SHOT THE PELLET GUNS IN THE PAST AND HE SAID THEY HAD. I ASKED HIM IF HIS PARENTS ALLOWED THEM TO SHOOT THE GUNS AT HIS HOUSE. MIKE BECAME VISIBLY UPSET AND SAID NO, HIS DAD WOULD NOT ALLOW THAT AND HE KNEW THEY WERE ALL IN BIG TROUBLE FOR HAVING THE GUNS OVER THERE. I ASKED MIKE IF THAT WAS WHY HE TOLD MIKE FLEMM TO GET THE GUNS OUT OF THE HOUSE AND WHY HE ORIGINALLY SAID PETER WAS HURT WHILE WRESTLING. HE SAID YES, AND THAT MIKE FLEMM WOULD NOT HAVE SHOT AT PETER IF HE KNEW THE GUN WAS LOADED. MIKE SAID THEY BOTH THOUGHT THE GUN WAS UNLOADED.

IT SHOULD BE NOTED THAT SEVERAL TIMES DURING THIS INTERVIEW MIKE STARTED TO CRY AND ASK HOW HIS BROTHER WAS. I TOLD HIM I HAD NOT HEARD AND I WOULD MAKE SURE HE WAS TAKEN TO THE HOSPITAL AS SOON AS I FINISHED TALKING WITH HIM. BECAUSE MIKE WAS AT HOME BY HIMSELF, AND HIS INFORMATION WAS CRUCIAL TO THIS INVESTIGATION, I CHOSE NOT TO TELL HIM HIS BROTHER HAD DIED AS A RESULT OF HIS HEAD WOUND.

4-6-96 1207 GIB A2955/MARGE

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

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76040JWE6001

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INVOICES:

END OF REPORT

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9604050WE 6001

SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 16

REPORT DATE: 19960406 TIME: 1209

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): MARK STRIBLING

3565 UNIT: C34

*** NARRATIVE ***

SERIAL NUMBER: 3565

INTERVIEW OF MICHAEL FLEMM

=====

ON 4-2-96 AT 5:55 P.M., I INTERVIEWED MICHAEL FLEMM WHILE IN THE INTERVIEW ROOM AT DESERT HORIZON PRECINCT, 302 EAST UNION HILLS. PRESENT DURING THIS INTERVIEW WAS MIKE FLEMM, MIKE'S FATHER, DAVID FLEMM, AND I. PRIOR TO THIS INTERVIEW I HAD SPOKEN WITH MR. FLEMM WHILE OUTSIDE HIS RESIDENCE AT 18613 NORTH 13TH DRIVE. I HAD EXPLAINED TO MR. FLEMM WE WERE IN THE PROCESS OF SECURING A SEARCH WARRANT FOR HIS RESIDENCE AND WE WOULD BE LOOKING FOR THREE PELLET TYPE GUNS. HE TOLD ME HE KNOWS HIS OLDER SON DAVID HAD AT LEAST TWO PELLET GUNS AND HE BELIEVED THEY WERE BOTH PRESENTLY ON THE COUCH IN HIS LIVING ROOM. I TOLD MR. FLEMM I NEEDED TO TALK TO HIS SON MIKE ABOUT THIS INCIDENT AND I WOULD PREFER TO DO IT SOMEWHERE OTHER THAN IN THE BACK SEAT OF A PATROL CAR. I ASKED HIM IF THEY WOULD MIND COMING TO DESERT HORIZON STATION FOR THIS INTERVIEW. MR. FLEMM TOLD ME THAT WOULD BE FINE. HE AND HIS SON MIKE WERE THEN TRANSPORTED TO 302 EAST UNION HILLS BY OFFICER SHRINER #3276. ONCE AT DESERT HORIZON STATION I HAD MR. FLEMM AND MIKE COME INTO AN INTERVIEW ROOM WITH ME. I EXPLAINED TO THEM I WAS IN CHARGE OF INVESTIGATING THE INCIDENT EARLIER TODAY AND I HAD TALKED WITH SEVERAL PEOPLE AND OBTAINED THEIR SIDE OF WHAT HAPPENED. I TOLD THEM I NEEDED TO TALK WITH MIKE TO GET HIS SIDE OF THE STORY. I ALSO TOLD THEM I WAS GOING TO TAPE RECORD MY INTERVIEW OF MIKE. I THEN PLACED MY RECORDED ON THE TABLE IN FRONT OF MIKE AND I BEGAN READING MIKE HIS JUVENILE MIRANDA WARNINGS. AS I READ THESE WARNINGS MIKE ANSWERED YES TO EACH QUESTION AS TO UNDERSTANDING HIS RIGHTS, AND REQUESTED HIS FATHER BE PRESENT DURING THE INTERVIEW. MIKE AND HIS FATHER AGREED MIKE WOULD WAIVE HIS RIGHT TO REMAIN SILENT. THE FOLLOWING IS A SUMMARY OF THIS TAPE RECORDED INTERVIEW.

MIKE TOLD ME HE IS TWELVE YEARS OLD AND IN SIXTH GRADE AT DESERT WINDS ELEMENTARY SCHOOL. HE IS IN MRS. KELLER'S CLASS AND MAKES MOSTLY "A'S" AND "B'S" AS GRADES. I ASKED MIKE IF HE KNEW THE DIFFERENCE BETWEEN RIGHT AND WRONG AND TELLING THE TRUTH AND A LIE AND HE SAID YES.

I ASKED MIKE TO TELL ME WHAT HE DID TODAY, STARTING WITH WHEN HE AWOKE THIS MORNING. MIKE SAID HE GOT UP THIS MORNING AT ABOUT 8:15 A.M. HE SAID HIS BROTHER DAVE AND HE WERE THE ONLY TWO AT HOME. HE SAID HIS DAD HAD GONE TO WORK AND HIS MOTHER DOES NOT LIVE WITH THEM. HE SAID MIKE BRAUN CALLED HIM AND CAME OVER AT ABOUT 10:00 A.M. HE TOLD ME THEY PLAYED VIDEO GAMES AND PETER BRAUN CAME OVER LATER. MIKE WENT ON TO SAY THE

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THREE OF THEM TOOK THE PELLET GUNS OVER TO MIKE AND PETER'S AND SHOT THEM IN THE BACK YARD. I ASKED MIKE WHO THE GUNS BELONGED TO AND HE SAID HIS BROTHER DAVID. HE SAID HIS BROTHER DID NOT KNOW HE TOOK THE GUNS. MIKE DESCRIBED THE GUNS AS TWO LONG RIFLES AND A LITTLE BLACK PISTOL. HE SAID ONE RIFLE HAD A CO2 CARTRIDGE IN IT, BUT IT WAS NOT WORKING BECAUSE THEY DID NOT HAVE A CARTRIDGE INSIDE. THE OTHER RIFLE HAD RED PAINT ON THE BARREL. HE SAID THE TWO RIFLES PUMPED UP. WHEN THEY TOOK THE GUNS TO MIKE AND PETER'S HOUSE, MIKE BRAUN CARRIED THEM IN A BLUE ROBE. HE SAID MIKE BROUGHT THE ROBE WITH HIM FROM HIS HOUSE. MIKE FLEMM SAID HE TOLD MIKE BRAUN TO GO BACK AND GET THE ROBE SO THEY COULD HIDE THE GUNS AS THEY WENT DOWN THE STREET.

FLEMM CONTINUED BY SAYING THAT THE THREE OF THEM SHOT THE GUNS IN BRAUN'S BACK YARD AT SOME EGGS THEY HAD TAPED ONTO THE FENCE. HE SAID HE WAS SHOOTING THE GUN WITH THE CO2 CARTRIDGE AND MIKE AND PETER WERE SHARING THE OTHER TWO. I ASKED MIKE IF HE WAS ALWAYS SHOOTING THE CO2 ONE AND HE SAID YES, HE DIDN'T THINK MIKE AND PETER SHOT IT. HE THEN SAID PETER MIGHT HAVE SHOT IT, WHEN PETER WENT OUT BACK BY HIMSELF. I ASKED MIKE IF THEY DID ANYTHING WHILE INSIDE THE HOUSE AND HE SAID THEY HAD SCRAMBLED EGGS AND WATCHED TV A LITTLE BIT.

MIKE ALSO STATED HE AND PETER WENT INTO PETER'S ROOM AND HE WAS PLAYING THE DRUMS. HE SAID PETER WANTED TO GET THE GUNS AND BRING THEM INTO PETER'S ROOM AND THEN SNEAK OUT THE WINDOW WITH THEM. HE SAID PETER WANTED TO SNEAK DOWN TO HIS (MIKE FLEMM'S) HOUSE AND LEAVE MIKE BRAUN BEHIND. FLEMM SAID PETER PUT HIS TOY BOX IN FRONT OF HIS BEDROOM DOOR SO HIS BROTHER COULDN'T GET IN. PETER THEN OPENED THE WINDOW BUT FLEMM SAID THEY COULDN'T SNEAK OUT BECAUSE THEY DIDN'T HAVE THE BLUE ROBE WITH THEM. AT THAT POINT MIKE BRAUN STARTED PUSHING ON THE DOOR AND YELLING TO LET HIM IN. PETER WAS YELLING BACK AT HIS BROTHER NOT TO COME INSIDE HIS BEDROOM. ONCE MIKE GOT INTO THE ROOM THEY CONTINUED TO YELL AT EACH OTHER. THEY ALL LEFT PETER'S ROOM AND PETER GOT ON THE PHONE TO ASK PERMISSION TO GO OVER TO A FRIEND'S HOUSE. FLEMM TOLD ME HE THOUGHT ALL THE GUNS WERE UNLOADED BECAUSE THEY SHOT THEM ALL OFF. HE SAID MIKE BRAUN GRABBED THE RIFLE WITH THE CO2 CARTRIDGE AND CHECKED IT. HE SAID MIKE PULLED THE "THING" BACK AND LOOKED IN, THEN SAID NOTHING WAS IN THERE. I ASKED FLEMM WHY MIKE BRAUN WOULD HAVE EVEN LOOKED IN THE RIFLE AND HE SAID, "CAUSE HE DIDN'T WANT TO SHOOT HIS BROTHER WITH A BB." I ASKED WHY MIKE BRAUN WOULD THINK HE WOULD SHOOT HIS BROTHER AND FLEMM SAID "BECAUSE THEY WERE SHOOTING." I ASKED FLEMM TO EXPLAIN THAT TO ME. HE THEN SAID THAT AFTER MIKE SAID THE GUN WAS EMPTY, HE PICKED IT UP AND SAID "I'M GONNA SCARE PETER, WATCH." I ASKED FLEMM TO TELL ME HOW MIKE BRAUN CHECKED THE RIFLE TO SEE IF IT WAS UNLOADED. HE SAID MIKE PULLED THE BOLT BACK AND LOOKED IN. HE SAID MIKE PULLED THE BOLT BACK A COUPLE OF TIMES AND SAID THERE WAS NOTHING IN THERE. MIKE FLEMM TOLD ME HE TOOK THE GUN AND SAID "OKAY, I'M GONNA SCARE YOUR BROTHER, WATCH." HE SAID HE THOUGHT THE GUN ONLY HAD AIR IN IT AT THAT TIME. HE THEN POINTED THE GUN AT PETER AND PULLED THE TRIGGER. FLEMM SAID THE NEXT THING HE KNEW, PETER'S EAR STARTED BLEEDING.

I ASKED FLEMM IF PETER HEARD HIS STATEMENT ABOUT "SCARING YOUR BROTHER"

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AND HE SAID NO, BECAUSE HE WAS ON THE PHONE. I ASKED FLEMM HOW FAR AWAY FROM PETER HE WAS WHEN HE SHOT THE GUN. HE SAID THE BARREL OF THE RIFLE WAS ABOUT TWO OR THREE FEET AWAY FROM PETER'S HEAD. I ASKED HIM IF MIKE BRAUN KNEW HE WAS GOING TO SCARE PETER AND HE SAID NO. I THEN ASKED HIM WHY MIKE BRAUN WOULD EVEN LOOK IN THE GUN. FLEMM THEN SAID HE HAD TOLD MIKE HE WAS GOING TO SCARE PETER, BEFORE MIKE LOOKED TO SEE IF THE GUN WAS UNLOADED. I ASKED FLEMM WHAT HE THOUGHT WAS GOING TO HAPPEN WHEN HE PULLED THE TRIGGER AND HE SAID, "I THOUGHT AIR WAS COMING OUT." HE SAID HE POINTED THE RIFLE IN THE AREA AROUND PETER'S RIGHT EAR. HE STATED PETER'S EAR STARTED BLEEDING AND MIKE GOT ON THE PHONE WITH HIS DAD, WHO TOLD MIKE TO CALL 911. I ASKED FLEMM IF MIKE BRAUN TOLD HIS DAD THAT PETER HAD BEEN SHOT WITH THE BB GUN AND HE SAID NO. I ASKED HIM WHY AND HE SAID MIKE DIDN'T WANT TO GET INTO TROUBLE. FLEMM SAID HE STARTED RUNNING AROUND AND WAS TOTALLY NERVOUS AND SCARED. HE SAID THAT MIKE TOLD HIM TO LEAVE, SO HE WRAPPED THE GUNS IN THE BLUE ROBE AND TOOK THEM TO HIS HOUSE AND PUT THEM ON THE COUCH. HE THEN RAN BACK TO MIKE AND PETER'S TO GET HIS BICYCLE. AS HE WAS RIDING HIS BIKE BACK TOWARDS HIS HOUSE A POLICE OFFICER STOPPED HIM.

AT THIS POINT I ASKED FLEMM IF THEY HAD SHOT AT ANYTHING ELSE BESIDES THE POGS. HE SAID THEY SHOT AT A BIRD ONCE. I THEN ASKED HIM WHAT HE KNEW ABOUT THE BEER BOTTLE CAPS ON THE FLOOR IN THE LIVING ROOM. HE SAID THE CAPS WERE ON THE FLOOR WHEN HE GOT THERE. HE SAID THEY HAD NOT BEEN DRINKING. FLEMM SAID I COULD CHECK WITH MIKE BRAUN'S DAD ABOUT THE BEER BOTTLE CAPS. IT SHOULD BE NOTED THAT MIKE FLEMM DID NOT HAVE AN ODOR OF BEER ON HIM NOR DID HE ACT AS IF HE HAD BEEN DRINKING.

I ENDED THIS INTERVIEW BY ASKING FLEMM IF HE TRIED TO HURT PETER ON PURPOSE. HE SAID, "NO. I NEVER EVEN WANTED TO HURT HIM AT ALL. I DIDN'T WANT TO HURT HIM IN ANY WAY." I ASKED WHAT HE THOUGHT WAS GOING TO HAPPEN WHEN HE AIMED THE GUN AT PETER AND PULLED THE TRIGGER. HE SAID "I THOUGHT HE WAS JUST GOING TO JUMP BACK AND SAY WHOA, WHAT THE HECK." MIKE TOLD ME MIKE BRAUN HAD TOLD HIM THE GUN WAS NOT LOADED AND HE THOUGHT IT WAS UNLOADED. HE SAID HE WOULDN'T POINT THE GUN AT SOMEONE IF HE KNEW IT WAS LOADED.

IT SHOULD BE NOTED THAT I DID NOT TELL MIKE FLEMM OR HIS FATHER THAT PETER BRAUN HAD DIED PRIOR TO THIS INTERVIEW. I LATER CONTACTED MR. FLEMM AND ADVISED HIM OF PETER'S DEATH.

4-6-96 1306 GIB A2955/MARGE

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

END OF REPORT

DR NO: 60534764 16

PHOENIX POLICE DEPARTMENT REPORT

760403CAVE 0001

SUPPLEMENT

PAGE NO. 1

DR NO.: 60534764 17

REPORT DATE: 19960408 TIME: 1629

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 001416 W RENEE DR

BEAT: 0934 GRID: DJ26

REPORTING OFFICER(S): MARK STRIBLING

3565 UNIT: C34

**** NARRATIVE ****

SERIAL NUMBER: 3565

MEDICAL EXAMINER'S

CASE NUMBER: 96-00951

MEDICAL EXAMINER: DOCTOR JULIE A. BROWN

CAUSE OF DEATH: GUNSHOT WOUND TO THE HEAD

MANNER OF DEATH : HOMICIDE

EVIDENCE FROM ONE SPENT PELLET. REMOVED FROM VICTIM'S BRAIN BY
AUTOPSY: DOCTOR BROWN.

L.P.E.: R. DAVIS #A348
TOOK PHOTOS AT AUTOPSY

ON 4-3-96 AT 1000 HOURS I ATTENDED VICTIM PETER BRAUN'S AUTOPSY AT THE MARICOPA COUNTY MEDICAL EXAMINER'S OFFICE. THIS PROCEDURE WAS PERFORMED BY DOCTOR JULIE A. BROWN. THE VICTIM'S BODY WAS SEALED IN A WHITE BODY BAG. THE BODY HAD BEEN ORGAN HARVESTED WHILE AT ST. JOSEPH'S HOSPITAL.

I OBSERVED A ENTRANCE WOUND IN THE VICTIM'S RIGHT EAR. THIS WOUND WAS LOCATED JUST ABOVE THE OPENING TO THE AUDITORY CANAL. X-RAYS SHOWED A PROJECTILE IN THE LEFT PORTION OF THE BRAIN. DOCTOR BROWN REMOVED A SINGLE PELLET FROM THE LEFT FRONTAL LOBE OF THE BRAIN AND I RETAINED THIS ITEM AS EVIDENCE. THERE WAS NO ABRASION RING AROUND THIS ENTRANCE WOUND. THIS PELLET PENETRATED THE SKULL AND TRAVELED RIGHT TO LEFT THROUGH THE BRAIN.

DOCTOR BROWN TOLD ME THE CAUSE OF DEATH WAS A GUNSHOT WOUND TO THE HEAD AND THE MANNER OF DEATH WAS A HOMICIDE.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

END OF REPORT

DR NO: 60534764 17

960405LWE 6001
Exhibit # 9

FIELD ACTIVITY REQUEST			
1. REGION/STATE]	2. OPERATION [Check Appropriate Block(s)]	3a. DATE ISSUED	
FOWR/PHX]	<input type="checkbox"/> Inspection <input type="checkbox"/> Recall Effect Check		
4. NUMBER]	<input type="checkbox"/> Telephone Contact <input checked="" type="checkbox"/> Investigation	3b. TRGT DATE	
960405LWE 6001]	<input type="checkbox"/> Sample Collection <input type="checkbox"/> Other		
5. ESTABLISHMENT			
Name: IDI			
Address:			
City:			
Phone: () -			
State: ZIP: ->			
6. PRODUCT		7. HOURS	
air rifle/BB gun		Travel: > -	
8. MANAGEMENT CODES		9. DATE COMPLETED	
MIS: 32626 FPC Nr.		>	
NEISS:		>	
10. SUPERVISORY INVESTIGATOR		11. INVESTIGATOR	
Joel Swisher		> Zannie Weaver	
12. COMPLIANCE OFFICER		13. PRIORITY	
		>	
		>	

14A. HISTORY:

Boy was shot by Daisy air rifle and died.

14B. ACTION REQUESTED:

Conduct IDI.

15. REQUESTOR'S NAME	TITLE	SIGNATURE
> J. DeMarco		
16. DISTRIBUTION		
Orig: Investigator		
cc: Supervisory Investigator		
FOWR Prog. Mgr. (LCornell)		
FOWR Compliance		

96040 JCWE 6001

Author: James A. DeMarco at CPSC-HQ2
Date: 4/4/96 2:10 PM
Priority: Urgent
Receipt Requested
TO: Zannie E. Weaver at CPSC-WRO
TO: Catherine E. Downs
Subject: BB guns incidents

----- Message Contents -----

Zannie, thanks for the fax and the heads up. Please be sure to get a PD Report and medical records, scenario, and samples if possible for us to test and determine if the safety did in fact fail or malfunction. We have plenty of samples of the 880 model; no 990; and none which were involved in incidents. We will return the samples
Jay 1353

PS please keep me posted on the other Daisy investigation which AB and Larry H. were interested. Thks.